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THE ABDICATION OF KING AMADEO.

ONE more unprecedented event has occurred in an age of surprises. Sovereigns have often abdicated before, as in the famous case of the greatest of Spanish Kings; but King AMADEO has abdicated not only for himself and his descendants, but on behalf of all competitors for the throne, and for Royalty itself. When his ancestor, the first of the House of SAVOY who bore the kingly title, abdicated, his son succeeded in due course of inheritance; nor indeed would a community in which sound constitutional and national instincts prevailed allow any functionary, high or low, to abolish his own office by a personal withdrawal from the discharge of his duties. If Spain preferred a Republic, a foreign Prince ought not to have been invited to fill the throne; and the maintenance of the monarchy should not depend on the judgment or caprice of any single person. The expediency of monarchical institutions was only three years ago affirmed by a Constituent Cortes. The Legislative Assembly of the present time derives its authority from the Constitution which it has now in a precipitate panic summarily set aside. It is true that the circumstances were embarrassing, that the majority of the Assembly was pledged to resist the claims of the various Pretenders, and that the result of the late experiment is not encouraging to the choice of any foreign candidate for the throne; yet it would have been at the same time dignified and prudent to revert in the first instance to the provisional mode of government which lasted from the dethronement of Queen ISABELLA to the arrival of King AMADEO. Unfortunately Spanish politicians have since the murder of PRIM been like sheep without a shepherd. ZORRILLA and his colleagues, though they had been supported during their tenure of office by a large majority in the Cortes, had no guidance to offer to their followers, and shrank from responsibility and risk. When the Cortes, under the pressure of necessity, assumed supreme power, the Ministers of their choice tamely resigned their offices to successors who had courage to seize the opportunity. The great Republican orator CASTELAR, who undertakes the charge of the Foreign Office, is probably the real chief of the Government. Señor FIGUERAS attributes his own appointment as President of the Council to the absence of Señor ORENSE; and he endeavours to reassure himself, his colleagues, and the frightened Assembly which has called him at random to power, by the expression of a hope against hope that the Republic may be established for ever. It was still more premature to prophesy that other nations of the Latin race would follow the example of establishing an institution which in Spain, or rather in Madrid, had lasted for a few hours. It is not impossible that the Spanish Republic may survive the vice of its origin; but an unpremeditated revolution caused by the personal act of the late Sovereign is an ignominious transaction, boding little good in the future.

King AMADEO was an honest and capable man, but he has declined the part of a hero. After he had accepted the throne of Spain he ought to have established his dynasty, or in a persistent struggle to have demonstrated to the world that his task was impossible. The difference with his Ministers which immediately furnished a pretext for his resignation would probably have increased his popularity with the army. General CORDOVA, who resumes his office in the new Republican Cabinet, had thought fit to appoint to a high command a certain General HIDALGO, who had given offence to the army, and especially to the artillery, by a so-called massacre which he was said to have formerly perpetrated. Many Spanish generals have had occasion to massacre or shoot mutineers; but in this case the KING concurred in the objection to the appointment, and he was overruled by the Ministry. Among many slights and mortifications which the KING had been compelled to endure,

the disregard of his wishes by the MINISTER of WAR seems a wholly inadequate reason for abdication. It may be conjectured that the birth of his son, an event which might perhaps have consolidated his power, may have been his true motive for withdrawing from a country in which assassination is a common political weapon. The KING's personal courage has been proved on several occasions; but perhaps he may not have wished to expose his wife and child to a perpetually recurring danger. That his own position was in the highest degree irksome and painful was sufficiently obvious. The mob was taught to revile him, the nobility refused to frequent his Court, the priests cursed the Liberal son of the profane King of ITALY, and the politicians who had created the vacancy which AMADEO was regularly invited to fill resented the preponderance of their opponents in the Ministry and the Cortes by studied rudeness to the KING and QUEEN. He had no friends in Spain, and he knew that every action of his life would be misconstrued; but before he entered on the warfare of Royalty he ought to have counted the cost. Unless the Prince hereafter finds for himself a career in Italy, he disappears henceforth from history. His short and insecure reign throws a retrospective light on the ludicrous nature of the quarrel which the Imperial Government of France with the consent of the nation fastened upon Germany. It was to prevent a disturbance of the balance of European power by the elevation of Prince LEOPOLD of Hohenzollern to the tottering throne afterwards occupied by AMADEO that the French Government amidst universal applause thundered out its defiance to Prussia. Prince LEOPOLD's fate could not have been more inglorious than that of his substitute; but his influence on the affairs of the Continent, if he had become King of Spain, would have been wholly imperceptible.

The prospects of Spain are more interesting than the fortunes of an amiable and spirited Prince who has proved himself unequal to a difficult enterprise. At present the most sanguine of Spanish politicians can scarcely fail to anticipate disaster. The Cortes, in their fright and confusion, have proclaimed a Republic before it was possible to ascertain the wishes of the country; and they have not ventured to distinguish between the two Republican types which are respectively advocated by opposing factions. The centralized Republic of the French kind is believed to be more unpopular in Spain than the federal Republic which has served as a pretext for more than one insurrection. A cross division separates the comparatively moderate Republicans represented by CASTELAR from the Socialists and Jacobins who have lately invented the appropriate title of the Republic from Below, or the Republic of the lowest. The property and intelligence of the country are hostile to Republics of every kind, although they may probably side for the moment with the moderate party, in the hope of protection against the extreme revolutionary faction. As might be expected, the vultures are gathering to the scent of the carcase. It is reported that former members of the French Commune are hurrying to Madrid from Paris and Brussels and Geneva. It is not surprising that they should persuade themselves that an opportunity has arisen for the organization of anarchy and plunder. In a certain sense France can afford to make revolutions, because the machinery of administration is never altered under successive forms of government. The hereditary or elective Chief of the Executive governs the country through the Home Office and the Prefects, whether Liberty, Equality, and Fraternity are painted up at the corners of the streets, or society is for the time saved by the army. Nevertheless the French Government regards with undisguised anxiety the overthrow of constitutional monarchy in Spain. In that country there is no definite or recognized depository of supreme power when an existing Government is overthrown. After the

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last revolution a resolute soldier conducted the Government for a time with considerable success; but PRIM has apparently left no successor; nor has any statesman or general the recognized authority which would command willing obedience. It is possible that universal uneasiness may secure for a short time the maintenance of order. The results of revolutions often show themselves not on the morrow, but on the day after. The present catastrophe proves that the expulsion of the BOURBON dynasty was a fatal error. The personal demerits of the QUEEN affected the expediency of hereditary succession of the Crown as little as the good intentions of King AMADEO. A Government which is at the mercy of a mob or of an accident is unfit for its functions.

The hopes of the Pretenders and the activity of foreign enemies will be effectually stimulated by the collapse of the SAVOY dynasty. The Carlists, who had previously appeared in large bands, will be justified in assuming that the attention of the generals and officers of the regular army will be distracted by the political occurrences of the capital. Prince ALFONSO has been despatched in haste from Vienna to Paris that he may be ready to profit by a possible demonstration in his favour. If a Carlist Government is formed in the Northern provinces, the Republic will in popular estimation be held responsible for the temporary disruption of the State. It is also probable that the latest revolution may lead to new foreign complications. The American papers already combine with their exultation at the establishment of another Republic the expression of a hope that the change may lead to the freedom, or, in other words, to the annexation of Cuba. The characteristic candour of national selfishness in the United States has never been more cynically displayed. The cosmopolitan philanthropists of America resemble a man who, while he congratulates his friend on an act of generous imprudence, calculates that on the impending bankruptcy he will have an opportunity of buying a picture which he had long coveted without a hope that it would be brought into the market. If the Republic is maintained even for a short time, its supporters will not fail to profess even a more enthusiastic patriotism than that which was displayed by their predecessors. In their earliest utterances they have expressed a confidence that the integrity of the Empire will be preserved; and it is clear that their language refers exclusively to Cuba. The Republican party is pledged to the abolition of slavery, and therefore to the removal of the excuses with which the Americans have lately thought fit to defend their desire for the annexation of Cuba; but the Spaniards have now received notice that the sympathy of Transatlantic Republicans has no tendency to allay or to suspend territorial cupidity. A still more urgent reason for anxiety is uncertainty as to the intentions of the army. It is not known that any of the military chiefs have become converted to Republican doctrines, nor was the MINISTER OF WAR himself a Republican a week ago. It is at least possible that the considerable force which is engaged in the harassing struggle with the Carlists may think it pleasanter to return to Madrid; and though SERRANO and TOPETE have announced their resolution to concur in the preservation of order, they may perhaps afterwards assert their claim to a share in the determination of the future form of Government. Even if the army submits for the time to the Republic, its demeanour when it is required to suppress disturbance and to support the actual Government will excite serious anxiety. The abdication of King AMADEO is a just retribution for the unsteadiness and impracticable obstinacy of all Spanish factions. If the extemporized Republic lives and thrives, the well-wishers of Spain will experience an agreeable disappointment.

THE IRISH UNIVERSITY BILL.

THE Irish University Education Bill is not unworthy in point of comprehensiveness to take rank with the Irish Church Act and the Irish Land Act. Like the speech by which it was introduced, it bears evident traces of Mr. GLADSTONE's passion for detail, and of the positive enjoyment which he finds in providing for all imaginable contingencies. Whatever other objections may be brought against the Bill, it certainly cannot be said that it is hasty or ill considered. Fault may be found with the way in which this or that difficulty is got over, but it will not be easy to point out a difficulty which has not been foreseen.

The subject of endowments has been dealt with in the way which has all along seemed to us to be at once the simplest and the most satisfactory of the alternatives which were open to the Government. They are all, so far as they are created by the Bill, to belong to the University, and not to any par-

ticular college. Fellowships, exhibitions, and bursaries may be held by any matriculated student of the University who fulfils the requisite conditions of residence and examination, whether he be a member of an affiliated college or an unattached student. By the side of the endowments of Trinity College the provision looks somewhat poor. A yearly average for the whole University of two fellowships, six exhibitions, and twenty-five bursaries, is hardly more than is provided at Oxford or Cambridge by some of the smaller colleges. The fellowships will not be rich, but they will be rich enough; 1,000*l.* in five annual instalments is a sufficient reward for the trouble of receiving a good education. It might be well to reserve some power of appropriating a further portion of the ecclesiastical surplus in case the endowments provided in the Bill should be found to be inadequate. There is no object to which the alienated funds of the Irish Church could be more appropriately applied than the promotion of the higher education. In the matter of endowments Trinity College comes off exceedingly well. Considering the very unnecessary reference to some future taxation of the colleges at Oxford and Cambridge for University purposes which Mr. GLADSTONE, with a characteristic want of statesmanlike tact, introduced into his speech, it would not have been surprising if the Bill had applied this principle in a much more sweeping manner. As it is, the great bulk of the endowments of the College will be preserved to it. This gain has been evidently purchased by the very frank acceptance of secularism by the authorities of Trinity College. It would have been plainly impossible to allow one Denominational College to retain any public endowments unless others had been admitted to the enjoyment of similar benefits. Trinity College had virtually the choice between keeping her tests and keeping her revenues, and by adopting Mr. FAWCETT's Bill she chose the revenues. Having done so, she naturally renounced all claim to a Theological Faculty. This is, very fairly and properly, to be handed over to the religious body with which it has always been exclusively connected—the Disestablished Church of Ireland. If Trinity College had elected to cast in her fortunes with the Disestablished Church, this severance would have been unnecessary and inexpedient. The voluntary secularization of the great Anglican College leaves the Government no choice but to reduce the Theological Faculty to the level of an ecclesiastical seminary.

The provision for the rights of conscience made in the Bill is in all respects ample. Whether it will satisfy Roman Catholic complaints is another question. The Bill gives them the means of obtaining a University education and a University degree for their sons without in any way perilling their religious belief. It does this, first, by allowing the present Roman Catholic University to affiliate itself as an independent college to the reconstituted University of Dublin; secondly, by allowing students, not members of any college, to matriculate and reside in the University, and to enjoy all its privileges; thirdly, by various provisions against any conflict between University teaching or examinations and theological belief. The Roman Catholic students will have as large a share of the University endowments as their abilities will enable them to carry off; indeed, inasmuch as by a very fair provision holders of fellowships or scholarships in Trinity College may not hold fellowships or exhibitions in the University without resigning their college preferments, it is probable that the University endowments will be mainly carried off by Roman Catholics. The teaching in their own college will in no way be interfered with. The necessity of passing the University examinations, and the natural wish that their men should stand well in examinations for exhibitions and fellowships, will no doubt suffice to maintain a good standard of secular scholarship, but to this may be added as much theological teaching as the authorities think fit. The examinations in the University will be conducted by examiners chosen by the governing body or Council of the University. The composition of this Council has always been one of the greatest difficulties in the way of an Irish University Bill. When the reconstituted University has got into working order—subsequent, that is, to the year 1885—the vacancies in the ordinary members of this Council will be filled up alternately by the Crown, by the Council itself, by the Professors, and by the Senate. At first the ordinary members will be appointed by Parliament, and vacancies occurring previously to 1885 will be filled alternately by the Crown and by the Council. Of course, if the appointment by Parliament is found to make the passing of the Bill easier, that is a very fair reason for adhering to the proposal. We should think, however, that it would be more likely to

lead to irritating party divisions as to particular names; and it cannot be said to be a good proposal in itself. Either the appointment by Parliament is merely another name for appointment by the Crown, or it is an appointment by a body which is singularly unfit for the purpose. How many members of either House of Parliament can undertake to say who is best qualified by special knowledge and experience, by ability, by character, by capacity, by influence, to guard and promote the work of University education in Ireland? Yet these are the titles to a place on the Council which Mr. GLADSTONE very properly proposes to recognize. It is quite true that some intermediate process of appointment is necessary because the ultimate mode of appointment cannot be applied until the institutions which it postulates have been created. But unless the confidence of Parliament in the Government is lessened to an extent which would make the passing of the Bill hopeless, it might certainly be extended to the nomination of twenty-eight eminent Irishmen. A provision which cannot fail to excite considerable opposition is the exclusion of Philosophy and Modern History from the subjects taught in the University as distinct from the colleges. As regards the latter of the two, it ought no doubt to be possible for Roman Catholics and Protestants to come to an entire agreement as to the facts, however much they may differ as to the inferences to be drawn from them. But we are still a good way on the wrong side of this academical millennium, and until it is attained Protestants will probably dislike having their sons taught the history of the Reformation by a Roman Catholic as much as Roman Catholics will dislike having their sons taught the history of the Popes by a Protestant. As regards Philosophy, the difficulty is more fundamental, and is likely to last longer. Proper views as to the method of historical investigation even now occasionally bring Protestant and Roman Catholic scholars into substantial agreement, but the distinctions between different schools of philosophy admit of no reconciliation, and the teaching of Atheism is none the less disliked by persons of definite religious belief because it comes from a philosophical, not a theological, chair. It is possible, however, that some solution of the difficulty may yet be discovered. The exclusion of a great subject from a University course must always be matter for regret. In some mixed Universities in Germany the difficulty has been met by the institution of double chairs in certain studies, and possibly there might in the University of Dublin be two Professors of Philosophy and two of Modern History, both chosen by the Council, but one always a Catholic and the other a Protestant.

Anything like a complete examination of the scheme must be reserved until the Bill itself is in our hands. At present it is enough to add to these incidental criticisms an expression of hearty satisfaction that the proposed University is to be a teaching as well as an examining body, and that, with some exceptions which we should be glad to see removed, residence as well as examination are to be exacted from all students.

THE NEGOTIATION WITH RUSSIA.

LORD GRANVILLE'S assertion that the result of the Russian negotiation would be satisfactory to Parliament and to the country is fully justified by the correspondence which has since been published. The discussion, which was conducted throughout with perfect courtesy on both sides, ends with the unqualified acceptance by Russia of the original proposal of the English Government. The general principle of the arrangement had been previously settled. In Prince GORTCHAKOFF'S words, which seem to be tacitly accepted by Lord GRANVILLE, Afghanistan had been chosen as the "intermediary zone" which was to prevent the English and Russian territories from coming into immediate contact. It only remained to determine the limits of the dominion which should be recognized as belonging to the Ameer of CABUL. The Russian Government declined to "accept as a basis" the territorial extension which Afghanistan had attained during parts of the reign of DOST MAHOMMED, who is by an oversight described as the founder of the Afghan State. It was consequently agreed to include only those territories of DOST MAHOMMED which are now in the possession of SHERE ALI. General KAUFMANN had been instructed to collect all necessary information; but his report had not been received when the recent negotiations began. General KAUFMANN himself states that he was unwilling to make inquiries through officers of his own in the disputed districts, because even a scientific mission "might have created a panic in Afghanistan, and would have awakened suspicions and

"apprehensions on the part of the Government of India." General KAUFMANN adds that in all his communications with Khokan and Bokhara, as well as in letters to the Ameer of CABUL, he has "applied himself to dispel this bugbear of a conflict between the two Great Powers." In a memorandum he gives reasons for disputing the boundary which Lord GRANVILLE had assigned to Afghanistan. The English Government held that Badakshan with Wakshan, from the Lake of the Woods on the east to the junction of the Kokcha river with the Amoo or Oxus, and Afghan Turkestan, including Balkh, down to a post called the Khoja Salee, belonged to the Ameer of CABUL. To the north-west, the sovereignty of Cabul extends over various districts between Afghanistan proper and the desert which is inhabited by independent Turcoman tribes. Prince GORTCHAKOFF contended that, although the Ameer of CABUL had at various times interfered in the affairs of Badakshan, he had not exercised there the rights of sovereignty. The country was governed by native functionaries, the taxes were not collected by Afghan officers, and, as may be readily believed, the chiefs of Badakshan regarded themselves as independent rulers. It was not, in the opinion of the Russian Government, expedient to assume for the purpose of the arrangement with England the Afghan title, which was in itself disputed or denied. Badakshan was too insignificant to quarrel with its neighbours, whereas the Ameer of CABUL, if by his possession of Badakshan he were brought into immediate contact with the Northern Khanates, might be tempted to encroach on Kashgar, Khokan, and Bokhara. Prince GORTCHAKOFF also disputed the actual possession by the AMEER of the districts on the North-Western frontier enumerated by Lord GRANVILLE; but he admitted that the annexation of the region between the AMEER'S territories and the desert would be convenient or unobjectionable.

According to General KAUFMANN'S memorandum, during the reign of DOST MAHOMMED one of his sons had compelled Badakshan to pay a tribute, and SHERE ALI now receives a small annual payment from the chiefs of the province whom he had assisted in an attack on a previous ruler. It is added that SHERE ALI with difficulty keeps up a show of authority in Badakshan; and that a recognition of his title by England and Russia would encourage him to interfere in the affairs of Bokhara. Wakhan, a remote district on the sources of the Amoo, is a dependency of Badakshan, but General KAUFMANN states that it has no direct relations to the Ameer of CABUL. The subsequent course of the negotiation suggests the conjecture that the Russian objections were advanced for the purpose of being at a later period gracefully withdrawn. It must have been obvious to both parties to the controversy that the legal or practical claim of SHERE ALI on an outlying province had little bearing on the settlement which was to be made between the two great Powers. It was the object of the English Government to interpose Badakshan and Wakhan between the Khanates under Russian influence and Afghanistan, and the Russians were not unwilling to accept the principle, although they raised objections in detail. In answer to General KAUFMANN'S statement, Lord GRANVILLE explains that the AMEER had, in the exercise of his discretion, arranged that the taxes of Badakshan should be collected by native officials, to be transmitted to himself through a local Governor whom he had appointed. The AMEER expressly reserved the right of altering this arrangement, and of amalgamating the revenues of the province with those of the Afghan State. Such was the ostensible answer to the Russian argument, but it was more to the purpose to explain that the object of the English Government in subjecting Badakshan to the sovereignty of Cabul was not to encourage any disturbance of the peace in Central Asia. The English Government, on the contrary, undertakes to restrain the AMEER by all the influence which it can exercise from any attempt to extend his dominions. Relying on this assurance, and "considering the greater facilities which the British Government possesses for collecting precise data, and above all considering our wish not to give this question of detail more importance than is due to it," the Russian Government accepts the line of boundary laid down by England. Prince GORTCHAKOFF states that his Government "is the more inclined to this act of courtesy as the English Government engages to use all its influence with SHERE ALI in order to induce him to maintain a peaceful attitude. This influence is indisputable. It is based not only on the material and moral ascendancy of England, but on the subsidies for which SHERE ALI is indebted to her." The despatch is dated January 31, after the result of General SCHOUVALOW'S mission was known at St. Petersburg. No correspondence with the special envoy is published, probably because he bore the character of a personal

representative of the EMPEROR. The assurances as to the Khiva expedition which were quoted by Lord GRANVILLE in the House of Lords were probably verbal.

It appears that the supposed designs of Russia on the independence of Persia formed no part of the subject of discussion. In the official *Journal of St. Petersburg* it is accurately stated that the independence of Persia is guaranteed by express treaties between Russia and England, nor was this subject matter directly connected either with the proposed expedition to Khiva, or with the determination of the boundary of Afghanistan. Everything for which Lord CLARENDON and Lord GRANVILLE had been contending has now been conceded by Russia; and it is not a sufficient objection to a diplomatic agreement that it does not cover or preclude all possible causes of future difference. It is something to have obtained an undertaking that Russia will not seek to interfere with Afghanistan as long as the AMEER abstains from encroaching on the territories of the Khanates. SHERE ALI has always shown that he understands the value of English support; and his successors will be fully aware that by meddling with Bokhara or Khokan they would forfeit the protection of England. There is no danger that any English or Indian Government will adopt the rash suggestion that Cabul should be permanently occupied by English troops. The Russians would not unreasonably regard such an operation as inconsistent with the recent understanding; and in case of war they would at once be welcomed as liberators by half the population of Afghanistan. The protest of zealous writers against the policy of confiding in Russia is both ungracious and unreasonable. There is no reason why English statesmen should be lulled to sleep, but it is neither dignified nor courteous to take the present occasion for betraying offensive suspicions. If it is true that the strength of the Russian army in Asia is exaggerated in popular belief, there is the less ground for apprehension. It would be but reasonable to wait for some fresh menace or cause for alarm before the English Government is urged to take additional precautions. No reference is made in the correspondence to Eastern Turkestan, where it is possible that political or commercial rivalry may hereafter arise. The supremacy of Russia in other parts of Central Asia is not formally recognized, though it is perhaps taken for granted in the correspondence. It is not necessary to anticipate the possible claim of Russia to exclusive influence in a country which is nearer to India than to the existing Russian possessions. The vigilance which has been shown by the English Government will be appreciated by Russia. It will be clearly understood that any dangerous approach to India will be summarily resisted, unless a friendly arrangement obviates the risk. It is on the whole convenient that differences should be amicably arranged; and that, even while they exist, they should be discussed in temperate and courteous language. The Russian journals are in some degree to blame for the irritation which prevailed in England before Lord GRANVILLE made his recent statement. The Russian Government on the other hand has thrown no impediment in the way of a friendly solution. It is not the moment for recapitulating in hostile language all the grounds of jealousy which may exist between England and Russia.

THE LORD CHANCELLOR'S PLAN.

ONE more LORD CHANCELLOR has grappled with the subject of the consolidation of our Courts of Justice, and the fusion, as it is called, of Law and Equity. Nothing could be more lucid than Lord SELBORNE's sketch of the past attempts which have been made to cope with this thorny subject, or more satisfactory than his statement of the objects to which such a reform should be directed. But it is in the nature of the subject that the success of any measure, and indeed its very meaning and essence, must depend upon the machinery adopted for giving it effect; and until the actual Bill, and what will be much more important, the schedule of rules which it is proposed to annex to it, have been produced, it would be premature to pronounce any definite opinion as to the sufficiency, or even as to the tendency and character, of the changes which Lord SELBORNE proposes to introduce into the administration of justice. The speech in which the LORD CHANCELLOR introduced the subject said, and for the most part said clearly and well, all that could be looked for in a preliminary explanation; and yet it would be quite possible for two draftsmen to frame two Bills with schedules of procedure each of which should faithfully follow the lines laid down in the opening address, though the result might be to produce two

schemes of reform, not only widely differing from one another, but in the most direct and startling antagonism. We shall wait therefore till we have seen the Bill before venturing on any detailed consideration of the CHANCELLOR's project, and indeed it would be equally unwise and unfair to attempt to criticize a statement the meaning of which cannot possibly be grasped without reference to the scheme which it is intended to recommend.

There is one point, however, on which we need not defer our congratulations. Mindful of the dangers which proved fatal to his predecessor's Bill, Lord SELBORNE has determined to introduce a complete Bill dealing with the whole subject of procedure, and not to evade the real difficulties of the case by delegating to any judicial or other Committee the function of remodelling the administration of justice. In other respects we can scarcely as yet do more than guess how far the measure now introduced will differ in substance from the Bills of 1870; but we are glad to see that Lord SELBORNE emphatically adopts the view for which we then contended—that it was the duty of Parliament itself to effect this great reform, and not to entrust legislative powers of a revolutionary character (not using the word in any bad sense) either to the entire body of Judges, or to a Committee to be selected by the Chancellor. But for this unfortunate defect the Bills of 1870 might have led to the reform into which Lord SELBORNE's measure may—with the assistance which Lord HATHERLEY, we trust, will soon be able to render—ultimately ripen, and it is satisfactory to know that the risk of shipwreck on this rock, at any rate, is not again to be incurred. What the CHANCELLOR says upon this point will commend itself to men of every school of opinion:—

"In the Bills which Lord HATHERLEY introduced in 1870 he adhered to a main outline of the recommendations of the Commission, and did not attempt to fill up that outline, or show how the general scheme laid down was to be put into operation. That was to have been done by rules framed by an authority which itself was the object of much criticism; but the discussions which took place in reference to those Bills showed, that, while there was a favourable disposition towards the formation of a High Court, it was felt that in a matter of such importance it was absolutely necessary to know how the scheme was to be worked out, and that anything in the nature of a skeleton scheme could not be regarded as satisfactory. It was felt that it was not desirable to delegate to an external authority—even were that authority itself beyond criticism—the making of rules to work the scheme out. That criticism commended itself to every one conversant with the subject."

We rejoice in this declaration as removing—once for all, let us hope—the most serious peril to which our institutions could be exposed, that of being handed over to be refashioned *ad libitum* by any select bodies invested for the purpose with despotic powers. With this pledge, we may rest satisfied that whatever changes are contemplated will be openly proposed, and no doubt fully discussed, before they receive the stamp of legislative approval. Nor will the discussion be without fruit; for, as might be expected from the known type of his mind, Lord SELBORNE recognizes, more fully perhaps than some of his predecessors would have been disposed to do, the necessity of basing legislation upon well matured public opinion. "It is," he rightly says, "probably a universal law—certainly a general law—concerning all legislative matters of importance in this country, that they depend on the gradual formation of opinion founded on experience, and if that is proved in any class of measures, it is emphatically proved in those measures called improvements or amendments of the law. . . . Time is required—and on the whole I think it is good that time should be required—to bring opinion on these subjects to the maturity necessary for sound legislation." A man of Lord SELBORNE's power, approaching his task in the spirit indicated by the passages we have cited, and indeed by the general tenor of his speech, ought ultimately, if not immediately, to succeed in harvesting that crop of law reform which has been gradually growing and ripening under many seasonable, chequered by not a few unseasonable, influences. Whoever may have the honour of introducing the Bills which may some day pass, the credit of maturing the measure will belong, as Lord SELBORNE justly and gracefully acknowledged, to all the eminent men whose labours have contributed to the disentanglement of our tangled skein of judicial administration.

Perhaps, in accordance with what we have already intimated, it would be as well to abstain from all remarks at present upon a scheme which is not yet fully before us, and what we have to say must be taken as subject to

large possible modifications after considering the Bill and its schedule. But there is one point on which the CHANCELLOR'S speech is singularly provocative of inquiry. He points at "the fusion of Law and Equity" as the grand object of the whole project; and yet it is difficult to gather the sense in which he understands these often misused words, or to guess how far the fusion is to be nominal and how far real, or whether we are to look for anything more than the sort of mock fusion which is exhibited in the County Courts, where two entirely distinct systems of jurisprudence are administered with no more connexion than is derived from the fact that the local Common Law judge of Monday happens to be the person who on Tuesday fills the role of a local Vice-Chancellor. Doubling a part is not the same thing as fusing two characters, and is perhaps the most mischievous form which a desire for theoretical or apparent unification could take. We do not suppose that Lord SELBORNE is blind to this, and we expect to find in his Bill that the proposed fusion is to be something more than nominal. At the same time, the justice of his observation, that some of the distinctions between Law and Equity represent realities which cannot be ignored or confounded, is one which, though well recognized by all who are familiar with the subject, has been too much overlooked by frothy declaimers on the defects of our jurisprudence. The same Court may in future recognize the possessory ownership of the trustee and the beneficial ownership of the *cestui que trust*; but the two kinds of ownership must continue to exist for the convenience of society, though we are not quite sure that it will be desirable to maintain the old designations of legal and equitable estate. This, however, is a detail as to which a good deal might be said on either side; but it is well to see a plain recognition of the truth that the fusion of Law and Equity means something more than a hocus-pocus transformation scene effected by a vague section in an Act of Parliament.

There is another danger which we also hope Lord SELBORNE will be found to have escaped. Nothing would be easier than to satisfy the cry for theoretical symmetry in the law by a mere transfer of jurisdiction. For example, an Act of Parliament might simply abolish all Courts of Common Law as administering an inadequate and obsolete jurisprudence, and enact that for the future Courts of Equity should exercise jurisdiction over all subjects, using their own accustomed methods of procedure. Or, on the other hand, a similar enactment might abolish Courts of Equity and direct Courts of Law to administer all equitable relief. Either of these methods would be only a mock fusion, for long experience has shown that the transplanted principles will not readily take root in an alien soil. The principles of the Common Law, and to a still greater degree the principles of Equity, rest in the traditions of the respective Courts. For many years Courts of Law have enjoyed a large share of equitable jurisdiction, and Courts of Equity have been allowed to employ the Common Law method of trying causes by *viva voce* evidence with the assistance (as it is supposed to be) of twelve unprofessional assessors. But little or nothing has come of it. The best equitable pleas in the world have ended in failure partly because the machinery of Courts of Law was unsuitable to equitable relief, but to a much greater extent because Equity doctrines and Equity authorities lost their essence and their force when presented to a Common Law Bench. So in Courts of Equity the practice of taking evidence *viva voce* never fully established itself, partly because it was found to occupy three or four times as many judicial hours as the Court of Chancery could dispose of without doubling or trebling its staff of judges, and partly also because the Bench showed very little inclination to encourage the unaccustomed practice. Any error of this description would be the most fatal that could be committed. The first condition of any successful fusion must be to see that the parent stock, whether of Common Law doctrine or Equity doctrine, is not mutilated or destroyed before the transplanted offshoot has fairly taken root.

AMERICAN SMARTNESS.

THE *Alabama* question, now happily converted into a domestic controversy in the United States, has assumed a form which is both amusing and instructive. It might have been supposed that the distribution among the claimants of the damages awarded at Geneva was an easy and simple transaction. The American counsel and agents succeeded in satisfying the Arbitrators by evidence that the claims, including interest, amounted to about 3,250,000*l.*; and their statements must have approximately shown the separate items

due to every claimant which collectively constituted the total sum. By the provisions of the Treaty of Washington, the Arbitrators might, if they had thought fit, have left the amount to be determined by a Board of Assessors, which would in that case have been "appointed to ascertain and determine what claims are valid, and what amounts shall be paid by Great Britain to the United States on account of the liability arising from failure [in fulfilment of duty] as to each vessel." The Arbitrators chose the alternative of awarding a sum in gross, which was evidently intended both by the framers of the Treaty and by the Tribunal to correspond with the amount of valid claims. The Senate of the United States has accordingly passed a Bill appointing a Commission for distributing the amount to be paid under the Geneva Award; but it has appeared to the leaders of the majority in the House of Representatives that the agents of the United States had not during the litigation exhausted the possibilities of sharp practice and litigious perversity. General BUTLER, as the organ of the Judiciary Committee, has reported to the House a Bill which practically affirms that the English Government was cheated, that the Geneva Arbitrators were tricked, and that the persons who had suffered injuries from the inculpated cruisers ought now to be deprived of the fruits of a fraud to which they may perhaps have been parties. The object of the Bill is to secure for the Treasury of the United States a portion of the damages which were, in accordance with the contention of the American counsel, awarded for injuries inflicted on private American citizens. It must be admitted that General BUTLER is probably not influenced by patriotic cupidity in his attempt to secure for the Treasury a portion of the spoil. The amount awarded was, as he perhaps correctly argues, larger than the total sum proved to be due for Direct Claims, and therefore he contends that the surplus was after all granted by the Arbitrators in satisfaction of the Indirect Claims which they had never taken into consideration, and which had been formally withdrawn by the American counsel before the commencement of the inquiry. That the damages demanded for losses by American citizens were considerably larger than the sum awarded is a consideration which was not likely to weigh with General BUTLER. He probably thinks that a deliberate and successful attempt to delude an international Court of Arbitration redounds to the credit of any lawyer by whom it may have been practised. That a trustee should obtain damages and then refuse to pay them over to the person beneficially entitled on the ground that they are exorbitant in amount, and that they were obtained by misrepresentation, is a proceeding which General BUTLER could not fail to appreciate and approve. It is well that the English nation and Government are wholly unconcerned with the latest aftergrowth of American smartness. It would be interesting to learn Mr. ADAMS'S opinion on a proposal which implies that he and his colleagues were either parties to or victims of a fraud.

Some members of the House of Representatives and of the Senate will be at present too much occupied with the defence of their private conduct to enter heartily into the prosecution of General BUTLER'S ingenious project. Some of the most eminent Republican politicians have unfortunately suffered by the exposure of a system of pecuniary corruption which is probably not an isolated experiment on the virtue of Congress. Mr. OAKES AMES, a member of the House and an active promoter of the Union Pacific Railway, appears some time since to have sold, on unaccountably favourable terms, shares in an undertaking called the *Crédit Mobilier*, to twelve conspicuous politicians in the House and the Senate. Congress had assisted the Railway by grants of 12,800 acres of land for every mile of line, and also by a subsidy or loan of 16,000*l.* per mile in the mountain districts, and of 3,300*l.* in the plains. The promoters afterwards found means to persuade Congress to issue bonds for the cost of the undertaking with a first charge upon the revenues. By this operation they practically converted the Government loan into a free gift, and they then proceeded to form themselves into a financial Association, called the *Crédit Mobilier*, for the purpose of providing funds for the construction of the line. By the sale of the land and of the United States securities which had been granted to the Railway Company, the *Crédit Mobilier* was enabled to divide in one year 1,505 per cent. on its capital, and it was naturally thought expedient to secure so profitable an enterprise against inconvenient investigation. For this purpose Mr. OAKES AMES, as agent to the Company, assigned to several virtuous and prominent members of the Senate and the House, at par, shares in the *Crédit Mobilier* carrying dividend to the amount of fifteen times the nominal

price. In some cases the purchase-money was deducted from the dividend, so that the share and the residue of the profit were handed over without pecuniary consideration. The discovery of the corrupt bargain seems to have been due to the acuteness of Liberal opponents of the Republican party during the Presidential contest; but in the midst of universal calumny and vituperation a well-founded charge is naturally attributed to the malignity of partisans. The members of Congress who were accused unanimously and positively denied the truth of the statement; and it is satisfactory to find that one of their number, Mr. BLAINE, Speaker of the House of Representatives, has been able to establish his innocence. Among those who have been less fortunate, the most conspicuous are Mr. SCHUYLER COLFAX, late Vice-President of the Republic, and Mr. HENRY WILSON, actual Vice-President. As their original defence, consisting in a direct traverse of the charge, has been found untenable, the inculpated patriots now fall back on the argument that their acceptance of gifts cannot be shown to have affected their political conduct. It is perhaps impossible to prove that they have honourably performed their part in a dishonourable transaction. They had the power of conferring on the Crédit Mobilier Company and the Union Pacific Railway large benefits at the public expense; and one or both of those Corporations thought it worth while to offer large bribes, which were accepted probably without any distinct promise of services to be rendered in return. In such a case the misconduct of a judge or legislator is generally inferred from his acts, and if the delinquents intended rather to defraud the bribing Company than to abuse their legislative powers, the moral estimate of their character and conduct will not be materially altered. It is interesting to remark the natural connexion between unscrupulous political subserviency and liability to direct pecuniary corruption. Mr. SCHUYLER COLFAX was the Speaker who formally welcomed the Fenian conspirators on the floor of the House. Votes and popularity were to be obtained by a gross violation of international courtesy and public decency, as money was to be acquired by a prostitution of the influence of the second public officer in the Republic. Disinterested foreign bystanders will share the amusement which the exposure of the Crédit Mobilier fraud has caused in the United States, though some of them will suffer a vicarious remorse on behalf of a community which seems to repudiate all responsibility for the acts of those whom it delights to honour with official promotion.

It is worth the while of English advocates of democratic change to study the operation of universal suffrage under the most favourable conditions. In the United States the system is a necessary result of the structure of society; and the bulk of the constituency is, as Mr. DISRAELI once said, not a mob, but a landed democracy. In the rural districts of the more settled States it would probably be impossible to buy a vote at an election, even if the great number of the electors were not in itself sufficient to prevent direct bribery. The majority of the electors are personally honest, and on the average they are probably better educated than the population of England or of any European country except Northern Germany. Their fault is that, having no upper class to lead them, they are indifferent to character and station in their choice of legislators; and it is their misfortune that they are helpless in the hands of professional managers of elections. Corruption begins with the agents who organize primary assemblies and who draw up lists of candidates, and it culminates in the purchase of members. It is thought easier and cheaper to buy a State Assembly or Senate, or even to give bribes to members of Congress, than to waste money on elections. At the abortive trial of TWEED in New York, one of his dependents stated that he had been in the habit of carrying large sums to Albany on behalf of his employer for the purpose of buying votes. The culprit himself is a member of the New York Senate, having been elected by a large majority after the public exposure of his frauds. It is absurd to claim for Englishmen a higher moral condition than that which prevails in corresponding classes in the United States. The difference between the two countries is that equality and universal suffrage bring the scum to the top. Respectable citizens refuse to associate in private with the reprobates and swindlers who may be their representatives in a State Legislature, or who may sit on the judicial bench; but either they suffer no shock from the exposure of successive scandals, or they are powerless to prevent the mischief. The journals, which in some degree supply the place of more healthy institutions, unfortunately confine their denunciations to members of the party which they may respectively happen to

oppose. Mr. COLFAX will escape the censure of orthodox Republicans; and the invectives of Liberal or Democratic critics will be explained by political hostility. The story of the Crédit Mobilier and the Union Pacific Railway illustrates, and in some degree explains, the character of the Bill for the distribution of the *Alabama* damages which has been framed by the Judiciary Committee of the House of Representatives.

THE PARLIAMENTARY NOTICE-PAPER.

THE notice-paper of the House of Commons at the beginning of a Session produces the same repulsive impression of staleness which is suggested by a street hoarding or the advertisement board at a railway station. As it must be assumed that advertisers know their own business, there are probably persons who are attracted by force of incessant repetition to the shops, the theatres, or the newspaper offices, which proclaim their own merits on the most glaring placards. Ambitious members of Parliament rely on the same tendency of commonplace human nature for the disposal of questionable or noxious wares. There is fortunately little chance of the adoption during the present Session of the more mischievous schemes which have already been proposed by private members; but experience shows that notoriety and reiteration are among the conditions of Parliamentary success, and in the vulgar apprehension change is equivalent to progress. In the long list of motions and of questions to be addressed to Ministers are included several judicious and rational proposals; and Mr. FAWCETT's Bill for altering the constitution of Trinity College raises an issue which must be decided by Parliament when it deals with the most important business of the Session. Sir JOHN LUBBOCK's Bill for the preservation of National Monuments can provoke no party opposition, and, if it be judiciously framed, it will but formally and nominally affect private rights. There ought to be no delay in taking precautions against the caprice or neglect which may at any moment inflict irreparable loss on the country. Mr. PLIMSOLL can scarcely fail to obtain a Commission of Inquiry into the condition and practice of the mercantile marine. In general it may be said that a private member is usefully and meritoriously employed when he applies his energies with the aid of special knowledge to the correction of a definite abuse, or to the improvement of some public institution. Measures for the alteration or overthrow of the Constitution, and embodiments of the clamour of noisy sects and factions, may sometimes be prompted by patriotic or philanthropic motives; but a country which has within six or seven years doubled the constituency and destroyed, by the introduction of the Ballot, the influence of property, can for the time dispense with new projects of political and social revolution. It may be doubted whether even Mr. MITCHELL HENRY's modest Bill for the protection of miners from fraud will at the present moment command enthusiastic support. Miners, like other persons, are protected by the ordinary law from fraud; and their advocates are declaiming loudly against the class legislation which they are nevertheless constantly demanding. When coal no longer costs fifty shillings a ton, and when colliers condescend to do a fair day's work for high wages, any special grievances which may affect their calling will be candidly considered.

One of the inevitable debates of the Session has happily been disposed of. Mr. RYLANDS had considerably provided Mr. AYRTON with his best chance of immunity by proposing to move a vote of censure on his conduct. In matters of this kind the House of Commons, like other Assemblies, is sometimes tempted to judge of the merits of a motion with some personal reference to the mover. Mr. RYLANDS is a zealous and patriotic reformer who proposes to abolish the diplomatic profession, to impose a tax of twenty per cent. on landed property, and to adopt other improvements for which Parliament is not fully prepared. If Mr. AYRTON was to blame, it would have been felt that Mr. RYLANDS was scarcely a fit representative of those who disapproved of his official indiscretions. It was on the whole better that the subject should be incidentally discussed than that a formal vote should be taken on Mr. RYLANDS's motion. Mr. VERNON HARCOURT, having by his impetuous assault secured to Mr. AYRTON immunity and triumph, will probably not think it necessary to bring in a Bill to assert the supposed rights of the people by depriving the Crown of its proprietary control over the Parks. Mr. LOCKE KING cannot be blamed for reintroducing for the twentieth or perhaps the thirtieth time his Bill to alter the law of succession to landed property. The Government has adopted the principle of his measure, and in this or the next Session it

will probably form the subject of a serious attempt at legislation. It is possible that the abolition of primogeniture may be one of the legal changes vaguely indicated in the QUEEN'S Speech, or that it may form part of the ATTORNEY-GENERAL'S Bill for facilitating the transfer of land. A whole generation has passed since Mr. LOCKE KING provoked Lord JOHN RUSSELL into an indiscreet declaration which accelerated by some years the progress of constitutional change. His perseverance in his preliminary scheme for altering the devolution of real estate seems likely to be rewarded by similar success. Mr. RICHARD SMORE chimerical scheme for a permanent and universal system of universal arbitration was virtually disposed of by the debate on the first night of the Session. Mr. GLADSTONE is now aware that the submission to the different European Governments of the three Rules of Washington will not be a simple or pleasant transaction. A formal proposal of universal arbitration would be an ill-bred jest. If Mr. RICHARD has ever passed even in thought beyond the region of phrases and abstractions, it is difficult to understand how he can think it possible to arbitrate between France and Germany, or between Russia and Turkey. Mr. HOLMES'S motion for exempting private property from capture at sea is at present almost equally unseasonable, although it may be supported by plausible arguments. The law or practice of blockades, which it is not proposed to abolish, is closely connected with the liability of merchant vessels to capture.

It may perhaps be well that the condition of South Africa and the expediency of annexing the Fiji Islands should be discussed in the House of Commons; and Mr. EASTWICK and other members who have served in India will be able to give valuable information on the affairs of Central Asia. No useful purpose can be served by a motion or debate on the connexion between the mother-country and the colonies. The one perverse journalist who obstinately insists on the separation of Canada corresponds in England to the solitary advocate of annexation whom the Correspondent of the *New York Herald* professes to have discovered in the Dominion itself. The mother-country and the colonies are at present on excellent terms, and it is highly undesirable to analyse the grounds or the intensity of their reciprocal affection. Mr. WHITWELL'S Bill to facilitate the transfer of land for the erection of dwellings for the manual labour classes ought to be superseded by the more comprehensive Government measure; but in this instance also it is interesting to watch the systematic claim of the working men or their advocates to special or class legislation. It is hardly necessary to observe that Mr. OSBORNE MORGAN once more introduces his Burials Bill, and that the deceased wife's sister occupies the usual place on the list of amateur measures. Sir WILFRID LAWSON will probably find that the minority in favour of the Permissive Bill is still further diminished in the near prospect of a general election. Many members who care little for the liberty of Englishmen to do as they like will have reflected seriously on the electoral power which the licensed victuallers and their customers have proved themselves to possess. The coalition at Liverpool of the Irish Roman Catholics with the Welsh Dissenters might perhaps have prevailed, if the advocates of the Permissive Bill had not joined their ranks. The voters who assert their right of drinking in moderation appear for the present to outnumber the scrupulous enthusiasts who fear that they or their neighbours may be tempted to drink too much. Mr. VERNON HARCOURT will make an eloquent speech in support of his motion for the reduction of public expenditure; but no ingenuity will suggest any novelty either of fact or of argument. The House will certainly decline to reduce the strength of the army and the navy; and Mr. HARCOURT may settle with his ally Mr. DIXON the question whether it is desirable to add five or six millions to the expenditure on primary education. The substitution of a Secretary of State for the Board of Admiralty would, in Mr. SEELY'S opinion, tend to promote administrative efficiency; and proposals of this kind are so far serious that they relate to the conduct of public business. Mr. JACOB BRIGHT'S annual Bill for giving votes to women, and Dr. DALRYMPLE'S amiable scheme for reforming habitual drunkards, may be dismissed as sentimental fancies. Mr. NEWDEGATE'S favourite project for inspecting monasteries and nunneries represents only a harmless and honest delusion.

The most objectionable notice on the list is that of Mr. TREVELYAN'S Bill for extending household suffrage to counties. As a professed advocate of extreme democracy, Mr. TREVELYAN is perfectly consistent in his desire to subject the counties to the absolute control of the farm-labourers, or, in mineral districts, of the colliers and iron-workers. The practical disfranchisement of wealth, education, and intelli-

gence will not be complete as long as either landlords or agricultural capitalists are represented in the House of Commons. The extension of household suffrage is almost avowedly designed as a step to the establishment of universal suffrage; and unfortunately Mr. GLADSTONE has with astounding levity more than once expressed his approval both of the intermediate and of the final measure. But for his sanction, Mr. TREVELYAN'S proposal might be regarded without uneasiness; but a demand which has been recognized by the PRIME MINISTER as just cannot be regarded as wholly impracticable. In consequence of the high industrial civilization of England, the proportion of people living on weekly wages is far greater than in any other country in the world; and it follows that promiscuous suffrage involves greater danger than elsewhere of interference with the rights of property. In the United States universal suffrage has hitherto produced no worse effect than to concentrate all political power in the hands of unprincipled jobbers, and to encourage shameless pecuniary corruption among the members of the various legislative bodies; but America is, happily for itself, not really governed either by Congress or even by the Senates and Assemblies of the several States. The House of Commons is the only really sovereign Legislature in the world; and the consequences of a further deterioration of the constituency which returns it are wholly incalculable. Mr. TREVELYAN and his friends are probably sincere in their belief that a political revolution would be advantageous to the country; but only those who share their aspirations will be justified in voting for Mr. TREVELYAN'S motion. It is especially desirable that the tenant farmers should understand that the same politicians who offer them concessions at the expense of the landowners at the same time propose to deprive them of all electoral power. The leaders of the working classes may claim the merit of exemplary candour in their open avowal of the purpose to which they propose to apply their political supremacy.

THE COMMITTEE AND M. THIERS.

IT is not, after all, upon the question of interpellations that M. THIERS and the Committee of Thirty have parted company. The Committee have not indeed given the PRESIDENT all the freedom of utterance he demanded, but they have consented to his speaking on interpellations relating to home affairs whenever the Council of Ministers, after a special deliberation the result of which has been communicated to the Assembly by the Vice-President, shall declare that the questions raised relate to the general policy of the Government. The inconvenience of this provision will be extreme. It will clearly be better, from M. THIERS'S point of view, that he should speak on questions which do not call for his intervention than that he should be reduced to silence on questions which do call for it. The consequence will be, that the special deliberation prescribed by the resolution of the Committee will be held on all subjects which do not unmistakably proclaim their own unimportance. The plan is one to make it necessary for M. THIERS to speak on occasions when he would rather remain silent, not one to impose silence upon him on occasions when he would rather speak. The common sense of the Assembly may be trusted to see the futility of such legislation as this. The object of the Committee in imposing so foolish a restraint is probably to prevent M. THIERS from getting up a Ministerial crisis at the very short notice which he has occasionally found sufficient for the purpose. They do not want him to catch votes or to shield an unpopular Minister by a sudden threat of resignation. But they forget that the Deputies upon whom this pressure is exercised are men who really want to know how M. THIERS wishes them to vote. They have got, it may be, political views of their own, and in quiet times they attach some importance to them, and are glad to have opportunities of giving them effect. But the last thing they would wish is to give them effect when the result of doing so would be to turn M. THIERS out of office. If by the operation of the rules proposed by the Committee they were to be prevented from finding this out, they would feel naturally and reasonably aggrieved. Their desire is to support M. THIERS, and to enjoy as much freedom of action as is consistent with a due regard for that paramount condition. To prevent politicians of this type from making themselves acquainted with the PRESIDENT'S intentions, whether these intentions be formed before a debate begins or late in the day on which it closes, is not to relieve them from a burden—it is rather to impose a new burden on them. They have no taste for unchartered freedom, they only care to remain on the side of M. THIERS.

They may wish that he were not so ready to take a side; they may even cherish an unintelligent preference for that pale shadow of constitutional monarchy which is the Committee's notion of a strong Government. But if this is unattainable, if M. THIERS is to remain Prime Minister—and the scheme of the Thirty concedes this as completely as the PRESIDENT could desire—they want to know how to steer their course. A Ministerial crisis with M. THIERS out of the Chamber would be like a storm at sea in the intervals when a revolving light is not visible. The majority of the Deputies may be trusted to prefer a steady blaze, however heartily they may wish that there were no dangerous coast for it to shine on. Consequently, if the point comes before the Chamber, there is little doubt which way it will be decided. The Thirty would have done better for themselves if, on finding that they were not resolute enough to impose an effective check upon M. THIERS's oratory, they had elected to impose none at all. It is emphatically a case in which half measures are only an evidence of conscious weakness.

The present schism between the Committee and the PRESIDENT relates to a quite different matter. M. DUFAURE has proposed that, after a short delay, special laws shall be framed as to the composition and mode of election of the Assembly which is to take the place of the present Assembly; as to the composition, mode of election, and functions of a Second Chamber; and as to the organization of the Executive during the interval between the dissolution of the present Assembly and the meeting of these two new Assemblies. The introduction of the words "after a short delay" seems to have thrown the Committee altogether off their balance. They seemed to them to be big with forebodings of an immediate dissolution. It was to no purpose that M. DUFAURE offered to strike them out. They had appeared, and that was enough. Nothing that the Government could say would alter this fact. Whether, if the Committee had not been thrown into this state of terror by the very first line of M. DUFAURE's motion, they would have shown themselves so impracticable as to its details, is not quite clear. The provisions which the Committee propose to substitute for M. DUFAURE's are to this effect. The Committee remains charged with the duty of preparing and ultimately laying before the Assembly a Bill for the institution of a Second Chamber. The new electoral law will be submitted to the Committee as soon as it comes from the hands of the Special Committee by which it is now being prepared. It will be seen that, according to this plan, the Committee of Thirty will practically remain in session as long as the Assembly itself. The Thirty might be trusted not to finally settle the composition of the Second Chamber and the details of the coming election until they had made up their minds that a dissolution could be no longer postponed. Either they feel that they cannot trust the Assembly to be as true to conservative ideas as they know themselves to be, or else, having once enjoyed power, they are unwilling to lay it down again. Whether the Assembly itself shares this view is another matter. The majority were ready to appoint a Committee to prepare certain measures, but it does not follow that they are prepared to leave all their work to the Committee until the closing weeks of the Assembly's existence. Life at Versailles must be very much duller since the Committee has been in session. There are no field days in the Assembly except when M. JULES SIMON is good enough to provide a little sport. If the proposal of the Committee were to be adopted, this state of things would be prolonged indefinitely. An Assembly which has shown itself so jealous of its own power as regards its constituents is not likely long to surrender that power into the hands of a delegacy.

A more serious difference still between the Committee's proposal and M. DUFAURE's is the omission from the former of all mention of the interval between the dissolution of the present and the convocation of the next Assembly. M. THIERS's authority dies with the Assembly, so that if a dissolution comes without any arrangement having been made for carrying on the Government, the elections must be held in a time of absolute anarchy. It is quite certain that the Committee do not intend that this should be the case; their refusal to make such an arrangement must therefore be taken as evidence that they mean the elections to be held while the present Assembly is still sitting. It is difficult to understand the immense importance which the Committee and the Right generally are believed to attach to this provision. It is intelligible that they should wish the conduct of the elections to be in their own hands rather than in the hands of M. THIERS; but the mere prolongation of the present Assembly's life will not by itself have this effect. As long as the Assembly remains the President will remain, and it has been

pretty well established by this time that as long as the President is M. THIERS the conduct of affairs will continue in the hands of the Executive. If it has been so while the Assembly was in the full flush of its authority and reputation, it is not likely to be otherwise when it is merely a pale ghost which is only waiting for the elections to be over to vanish into empty space. If M. THIERS pays too little deference to the majority now, how much is he likely to pay when that majority has but a few more days to live? If he has contrived to get his own way when the Assembly was sovereign in fact as well as in name, what chance is there that he will abandon this tradition when a term has been set to its power of annoying or thwarting him? There are rumours occasionally of a *coup d'état* to be attempted by the Right, and they have certainly thus much of foundation, that their wishes cannot be attained without resorting to something of the kind. But a *coup d'état* is essentially the expedient of an Executive at war with a Legislature, not of a Legislature at war with an Executive. Besides, for this purpose the Right would not even command a majority in the Chamber. Assemblies may not always be wiser than their wisest man, but this particular Assembly will certainly be wiser than its thirty wisest men. As yet M. THIERS has given no sign of the course he intends to take when the report of the Committee comes before the Assembly; but it is more than ever probable that, whatever that course is, it will obtain the consent of the majority.

DECEASED WIFE'S SISTER.

ONE of the busiest and most experienced agitators of our time is reported to have once given a short hint to an ambitious pupil. The best way, he said, to get people to believe anything is simply to keep on repeating it over and over again, without taking the slightest notice of contradictions or exposures. The contradictions will either be forgotten, or it will be supposed from your confident reiteration that you have effectually answered them on some former occasion. The COMMON SERJEANT appears to have learnt this lesson, and in advocating his Bill for legalizing Marriage with Deceased Wives' Sisters, he certainly acts upon it with an audacity and recklessness which are rather startling to those who are able to discriminate fact from fiction. On Wednesday he gravely asserted in the House of Commons that this notorious measure has been approved by sixty-three divisions in the Commons, and six times rejected by the Lords. The impression he sought to convey was of course that the House of Commons has for many years been continually sending up the Bill to the House of Lords, and that the House of Lords, in contempt of the Commons, has persistently rejected it. This sort of thing might perhaps pass without detection at an indignation meeting in St. James's Hall, but it requires a peculiar kind of courage to misrepresent the proceedings of the House of Commons in quite recent years in a speech addressed to the House of Commons itself. Perhaps Sir T. CHAMBERS imagined that the memory of the House does not go back beyond the last general election. But what are the facts? The Bill has been five times—with intervals of years between—sent up to the Lords and rejected, and twice it has been introduced in the House of Lords and rejected. But the Bill has also been four times thrown out in the Commons; so that there are four rejections in the Lower House against seven in the Upper; and for eleven whole years, from 1859 to 1871, the Lords never even heard the subject mentioned. The COMMON SERJEANT concocted his list of sixty-three divisions by counting in all the trifling divisions on details which have taken place in Committee. The House of Lords has been consistent in its treatment of this proposal; but the House of Commons has sometimes been for it and sometimes against it. In 1866 the Bill was summarily snuffed out on the second reading. Three years later there seemed to be a momentary turn of the tide, and the Bill passed the second reading by a majority of 99; but this majority has been gradually dwindling in successive years, and now the very utmost that the COMMON SERJEANT and his friends can do, after elaborate and eager preparations, in a desperately whipped division—snatched at the very beginning of the Session, when the Scotch and Irish members, who almost to a man oppose this tampering with the sacredness of marriage, have not yet come to town—is a poor majority of 39. The value of this result must be measured by the violence of the efforts made to obtain it. It will perhaps be time enough for the House of Lords to consider whether on this question it will yield, against its better judgment, to the House of Commons, when it has been made quite clear that the House of

Commons knows its own mind, and really represents the genuine and settled opinion of the country. The flourish about petitions from all parts of the country and other manifestations of public opinion in favour of revolutionizing the marriage law is plainly a mistake in tactics, for it betrays its hollowness. We are asked to believe that the country is wildly anxious and impatient on the subject, and that, in fact, there is quite an excitement about it out of doors. Of course, if the petitions and resolutions of which such a parade is made really represented the actual state of public opinion, and not the results of an artificial and factitious agitation, we should find on every side traces of excitement. The matter would be talked of whenever two or three people met together; there would be public meetings about it, and flaming placards on the walls, and strong articles every day in the papers. It would be the great question at the elections. Is Mr. So-and-So sound on deceased wife's sister? would be the test of parties. Vote for JONES and No Affinities! would be the rallying cry of popular candidates. But somehow this excitement, if it exists, is kept very quiet. Except in the voluminous publications of the anonymous Society which ambuscades behind the name of "JOSEPH STANSBURY, M.A." and a brass plate in Parliament Street, and the annual debates on the Bill, nobody ever hears a whisper of this passionate and universal desire which is supposed to be consuming the country for leave to marry deceased wives' relations.

No doubt there really are people who want to marry, or who have married, their wives' sisters or nieces, just as no doubt there are sisters who would like to marry their brothers-in-law, and possibly mothers-in-law who would have no objection to console their deceased daughters' husbands by marrying them themselves. But how many of them are there? And what sort of people are they who demand that the most sacred and delicate of domestic institutions should be torn to pieces in order that they may lawfully gratify their peculiar appetites? It is rather an odd thing that the people who petition for the abolition of affinities are always anxious for the change, not on their own account, but on account of somebody else. As far as we are aware, the gentlemen who compose the anonymous Society in Parliament Street have never petitioned Parliament in their own names, stating their age, address, occupation, and religion, and the particular relatives they have married or want to marry. It used to be argued some years ago that this was a poor man's question; but a Royal Commission, appointed at the instance of the revolutionists, looked into the matter, and could discover only some forty cases among the poor. It is sufficiently notorious that the people who keep Mr. STANSBURY'S Society going, and who provide the funds which are spent so lavishly on deceased wife's sister novels, pamphlets, and other modes of agitation, are only a few rich men who, having wilfully defied the law (as the agitators did in Hyde Park the other day), would like it to be altered to suit their convenience, and to have the penalties remitted. Mr. BRUCE has stated in the case of the Hyde Park rioters that, whether a law is a good or a bad law, while it exists it must be obeyed.

There are two points of view from which this proposal for the abolition of affinities may be regarded. There is first the question whether it is desirable that all marriages within these degrees should henceforth be legalized; and there is secondly the question whether, if that is conceded, a retrospective immunity can be justly demanded by those who, while agitating for an alteration of the law, have taken the liberty of breaking it. As to the first question, Mr. HEYGATE, it seems to us, summed up decisively the arguments against the Bill when he said that it settled nothing and unsettled everything. The Bill is confined to marriage with a deceased wife's sister, but of course the change cannot stop there, and the blow is practically aimed at all relationships by marriage. Hitherto the marriage system has been based on a distinct and intelligible principle; the forbidden degrees have included relationships both of consanguinity and affinity. A wife's relatives have been regarded by her husband as if they were his own, and all our social and domestic habits and feelings have grown up around this principle. Touch that principle, and all these habits and feelings will be at once subverted. The sister-in-law will become like any other marriageable woman, and will be driven from the bereaved home to which she might otherwise have carried comfort and consolation. She cannot remain, if she considers her own character, unless it has been decided in the very moment of death and desolation whether the funeral meats are to furnish forth immediately a new marriage feast. And this cruel and heartless decree is to be enforced for no other

object than to enable a few unscrupulous and reckless men to indulge their passions and caprices without restraint. The COMMON SERJEANT, whose incendiary meeting at St. James's Hall has probably not been forgotten, is apparently prepared, not only to sacrifice any part of the Constitution that may seem to stand in the way of these selfish and shameless marriages, but, if necessary, to revive the Mosaic, or perhaps any other, dispensation that might happen to suit his purpose. It is true that the Jewish law sanctioned the kind of marriages which Sir T. CHAMBERS has so much at heart, but it also tacitly tolerated polygamy, and not only permitted but compelled a man, under penalty of ignominy, to marry his deceased brother's widow. The truth is that Judaism treated the wife pretty much as a chattel; the Gospel proclaimed the identity of the husband and wife, bone of one bone, and flesh of one flesh. Of course Sir T. CHAMBERS is at liberty to think, if he chooses, that Christianity is wrong in this respect; but when he proposes a revival of Judaism, he should be a little more explicit as to how far in this direction he is prepared to go. As far as the House of Commons is concerned, the question is rather a social than an ecclesiastical one; but, when we come to the retrospective action of the Bill, it has also a political aspect. We have no desire to defend the retrospective effect of the Act of 1835. All that can be said is that the law was then in a confused and anomalous condition, and that there were perhaps plausible grounds for not declaring absolutely void marriages which had been contracted on the understanding that they were only voidable. But since 1835 there has been no room for misconception, and all who have married within the forbidden degrees have done so with their eyes open. If Parliament should at any time agree to pass an indemnity for these illegal unions, it will be giving a dangerous encouragement to the theory that laws are binding only on those who happen to approve of them.

THE SURRENDER OF THE PARKS.

THE conduct of the Ministry with regard to the management of the Parks—for we have now, it seems, to deal, not with the blundering of a subordinate official, a mere "clerk," as Mr. AYRTON calls himself, but with the deliberate action of the Cabinet—reminds one strongly of the old caricature of the Englishman standing naked, and wondering what raiment he will wear:—

For now I will wear this,
And now I will wear that,
And now I will wear—
I don't know what.

One suit after another has been tried on, and discarded, either because the cut of it was not liked, or because it was found to be uncomfortable. The last suit was a trifle too fantastic and provocative, and led to the wearer being mobbed by the rabble. For the present the Government seems to think the safest course is to go bare. Mr. BRUCE'S new Park Rules afford about as much covering as a fig-leaf; and the fig-leaf is a sign of conscious shame, without being an effectual effort at decency. The new Rules are in fact only a pretence, a sham, and about as binding as a Highgate oath. Practically the Parks are surrendered to the mob, and the Government might as well have said so plainly. In the new Rules for Hyde Park it is provided that meetings shall not be held except within certain geographical limits, but these limits are almost the limits of the Park itself. Meetings are to be confined to the "open part" of the Park, bounded by the horse-ride running from the Marble Arch to Victoria Gate, and thence to the powder-magazine and by the carriage drive running from the powder-magazine along the Serpentine to Hyde Park Corner, and so back again to the Marble Arch. In other words, the whole of Hyde Park north of the Serpentine is handed over unreservedly for the purposes of rowdy agitation. All that the Government has ventured to do is to forbid meetings in Rotten Row. But there is yet another clause, and it is very severe and formidable. "No assembly of persons is permitted in the Park unless conducted in a decent and orderly manner." What is to be done with a vast, promiscuous gathering of people from all parts of the town if they fail to observe decency and order remains to be seen. The nuisance of these meetings consists, it must be remembered, not so much in the rubbishy speeches which are delivered, and which are harmless enough—indeed nobody hears them—but in the noisy and mischievous rabble which is thus drawn together, the mock-Litany men who bawl their blasphemous chants, the roughs who insult and assault women, knock off hats, trample down shrubs, and destroy the trees, and the thieves of all

kinds who here discover or contrive opportunities for plunder. Hitherto the police have apparently found that, when once a meeting took place, they were helpless to prevent its disorderly and disgraceful consequences. They were, in fact, outnumbered, and could do nothing but look on and try to see as little as possible. If it is now intended seriously to enforce this new rule about decency and order, it can only be done in one way, if at all, and that is by withdrawing the police from their local duties in different parts of the Metropolitan area in order to concentrate all their strength upon Hyde Park. In other words, London is to be left bare and unprotected whenever Mr. ODGER or Mr. BRADLAUGH may choose to summon the scum of the town to meet him in the Park.

The question of allowing public meetings to be held in the Parks is a very plain and simple question, and it is necessary to avoid being diverted from its practical issues by rhetorical flourishes about the rights of the people and constitutional privileges. It is purely a question of public decency and public order. It is sometimes assumed that those who object to tumultuous gatherings of this kind are afraid of political agitation. In reality Mr. ODGER straining his voice in a vain effort to make himself heard *sub Jove* in Hyde Park is not a whit more terrible than Mr. ODGER speaking comfortably and audibly in the snug shelter of the "Hole in the Wall." It is known, however, that these meetings are invariably attended by large numbers of disorderly and disreputable people who really care no more for Mr. ODGER than for Mr. GLADSTONE, and who have come out solely in hopes of mischief. The two things, judging by experience, would seem to be inseparable. The meeting and the mob go together like light and shadow. If we could have the meeting—just Mr. ODGER and his little knot of followers, without the mob—it might not perhaps matter very much; but then the mob is sure to come too, and to take its pleasure after its own fashion. For our own part, we are not in the least afraid of any amount of speechifying in Hyde Park; but London is rather a big city, and there is a good deal at the bottom of it—what Mr. BRUCE would call the residuum—which had perhaps better not be stirred up more than is absolutely necessary. As it is, the police are not too many for their work, and it is as well not to go out of our way to increase their labours and responsibilities. Not long ago, when a fanatical lecturer who had a craze about the POPE and the wickedness of Roman Catholic priests, went through the country delivering violent harangues which constantly led to disorder and sometimes to bloodshed, Mr. BRUCE, in the exercise of his authority as Home Secretary, thought it necessary to do what he could to put a stop to this tour of conflagration. Mr. BRUCE interposed, not because MURPHY spoke disrespectfully of the POPE, but simply because MURPHY's lectures led to unpleasant results. And it is on precisely the same grounds that we object to the meetings in the Park. Prevention in such a case is better than cure; in other words, it is easier to deal with the people who get up meetings than with the mobs who follow them about. The promoters of an illegal meeting can be quietly summoned before the magistrate and fined; but a mob which has to be dispersed by force is difficult to manage. We are led to the conclusion that it is not desirable to encourage meetings in the Park by a very simple train of reflections. In the first place, they are not held for purposes of discussion, but simply and solely—as is avowed and boasted—for purposes of intimidation. Those who organize the meetings put themselves to great inconvenience in going so far out of their way as Hyde Park, and they do this simply because they think it will annoy and perhaps frighten people who live in that neighbourhood. In the next place, a meeting, especially a Sunday meeting, draws together a violent and dangerous rabble who can be kept in order only by withdrawing the police from their ordinary duties, and even then it is doubtful whether the police will be found to be equal to the task if they apply themselves to it, as they have never yet done, in earnest. It is hardly fair that Clapham and Highgate should be left at the mercy of the burglars whenever any foolish or malicious demagogue chooses to convolve the mob in a West-End Park.

It was on every ground a mistake to convert what should have been a censure on the Government into a personal attack upon Mr. AYRTON. Mr. AYRTON has proved, in a variety of ways, his grotesque incapacity for the office he is allowed to fill, but in this instance it is not known that he acted without the sanction of his chiefs. The impression which is produced by reading the report of Monday's debate is that, though it was perhaps a very pretty example of smart Parliamentary manoeuvring in order to avoid an inconvenient expression of opinion, the

Ministry would really have been less seriously damaged if they had frankly acknowledged their error, and endeavoured to put things in proper train for the future. The early history of the Rules is wrapped in an obscurity which it is perhaps hardly worth while to seek to penetrate. The first set of Rules was no sooner drawn up by Mr. AYRTON than it was cancelled by the Cabinet, who substituted a general regulation that the Parks were to be enjoyed by the public as they had previously been enjoyed; and the House of Commons dispersed under the impression that no new Rules would be enforced until they had been submitted to Parliament. The language of Mr. AYRTON and Mr. GLADSTONE at the close of last Session justified this impression; but there is of course no reason to suppose that they were guilty of a wilful mystification. In October Mr. AYRTON, to the surprise of every one, issued a third set of Rules of the most fantastic and impracticable kind. And now we come to the really mysterious part of the story. Either this third edition of the Rules was or was not approved by the Cabinet. If it was approved, why has it now been set aside? If it was not approved, why was it not at once cancelled like the original draft? Mr. AYRTON's new Rules were issued in October, and provoked a noisy agitation. Their authority was openly challenged by a Fenian meeting, and there were proceedings before the police magistrate and an appeal to the Queen's Bench. All this time the Government seemed to think that the Rules were very nice Rules, and that they must be maintained at all hazards. It is not till Parliament meets, four months afterwards, that the Rules are withdrawn, suddenly and without a syllable of explanation or apology. It would be interesting to know at what moment the Government became convinced that these Rules were objectionable. There was of course no necessity for waiting till Parliament met in order to cancel them; that could have been done any day, and the Judges of the Queen's Bench might surely have been spared the trouble of determining the validity of Rules which the Government had already condemned and privately abandoned. To complete the chapter of blunders and inconsistencies, Mr. BRUCE has explained that the fine exacted from the agitator BAILEY will not be returned, because his offence was committed, "not in honest ignorance, but in wilful and ostentatious defiance of the law and those who administer it." We agree with Mr. BRUCE that this is a very serious offence, and that it ought to be punished; but why, then, are ODGER and the other offenders not to be punished as well as BAILEY? The Ministry have assumed the responsibility of Mr. AYRTON's acts; but we can hardly wonder that Mr. AYRTON should decline to be responsible for the vagaries of the Cabinet. They have certainly contrived with diabolical ingenuity to leave nothing undone that could tend to destroy respect for the law, and to inspire contempt for those who are charged with the duty of enforcing it.

MEMORY.

SHOULD we be gainers if the memory of the world were strengthened so that everybody could always recall at will all the things he wishes to recall? Most people will probably be disposed to think that this would be a questionable boon, unless indeed an access of memory brought with it at least an equal access of judgment and sympathy. Many persons lament their defective memory, and wish they could tell you things—"but my memory is so bad"; and we secretly settle with ourselves that "it is best as it is," for the tax on our attention will be the less. Unquestionably attention becomes more fastidious as the world grows older; we are more chary of it than our forefathers. Hence it may be observed that memory does not now hold the place it once did as an accomplishment. Nowadays a good memory meets with as little envy as any quality that can be named; where it exists it is not thought worth while to dispute it. The way is rather to magnify the wonder while denouncing it as, in injudicious hands, a dreadful engine of social oppression. A good memory is to be kept out of sight like a woman's learning, and only aired when you are quite sure of your company. It was not always so; people used to vie with one another in exercises of recollection; opportunities were devised for its display; friends recorded extraordinary feats. In the summary of qualities in old biographies memory takes a prominent place; its triumphs are enumerated, the injurious surmises of adversaries and suspicious doubters are disproved. But perhaps people discovered that when memory was cultivated as an art it was rarely put to its best uses. The elaborate compliments gabbled over so correctly by Thomas Diafoirus were a satire on a system that did not always put the wisest foremost. Men of thought and learning were baffled and kept back for the want of verbal memory or of nerve to use it. Those lights of the Church, Hammond and Sanderson, each suffered from this cause. What might seem to be for all useful purposes a sufficiently good memory would not pass muster

in either case. Hammond's memory was serviceable, not officious; faithful to things and business, but unwillingly retaining the contexture and punctualities of words; so that it was harder for him to get one sermon by heart than to pen twenty. What was hard for him utterly bothered his brother divine, owing, as he said himself, to his unmanly bashfulness. Their quaint biographer relates how the friends repaired together to a small rustic church, Hammond holding the sermon which the other was to declaim verbatim from the pulpit. The attempt was a dolorous failure, even discernible to many of that plain auditory. As the two walked homewards Dr. Sanderson said with much earnestness, "Good Doctor, give me my sermon, and know that neither you nor any man living shall ever persuade me again to preach without my books." To which the reply was, "Good Doctor, be not angry; for if ever I persuade you again to preach without book, I will give you leave to burn all the books I am master of."

The real importance of verbal memory of this sort sank when the art of printing came in and reading became a common accomplishment, though its prestige lasted some time longer. People therefore are right in valuing memory now according to the use it is put to, for its practical services to its owner, or for restoring to us what is otherwise beyond our reach. What a memory retains is the sole test of what it is worth. In its moral aspect the memory may sometimes indicate an unusual warmth, tenderness, and tenacity of affection; but, on the other hand, there are vindictive memories which retain only provocations, or impertinent memories which treasure up precisely the things born to oblivion, or which we should choose to be forgotten. And so, too, there are frivolous memories which retain only trivialities, and entangle the mind in a maze of nothings. To have a verbal memory like Dick Swiveller's, infested with tags of verse and cues of rhyme, is, somebody has said, as vulgar, as destructive of any train of thought worth the name, as the stable-boy's habit of whistling easy airs upon the mere mechanical excitement of a bar or two whistled by some other blockhead in some other stable.

To the man himself any strength of memory which does not hinder reflection and excuse the labour of thought is valuable; but the memory which is worth most to the world is that which keeps us supplied with a knowledge of things that would otherwise be lost. Books and newspapers tell us a great deal, and enable us often to dispense without much inconvenience with the exercise of memory; but there is one branch of study which owes more to faithful, retentive memory than to all the books in the world. We mean the memory that retains in living freshness the sayings and doings, the look and aspect, of a past generation; that can set before us, as it unfolded itself, a scene all the actors in which are dead and gone, and bring to our ears with just emphasis the very words of feeling or passion spoken years ago. How rare this we know from the difficulty of getting precise information as to persons or events after a brief lapse of time. The incidents that give excellence to biography Dr. Johnson found the most difficult of all things to obtain from survivors. Such incidents are of a volatile and evanescent kind; they soon escape the memory, and are rarely transmitted by tradition. Still there are memories that do their best to rescue a character from oblivion, that delight to renew its life in truthful description. It argues, no doubt, a disengaged, unselfish attention to note the incident at the time as telling and expressive, and this quality stamps itself on the narrative and inspires confidence in the hearer. Those who have patience to listen to these chroniclers are at once performing a pious work and accumulating a store of the best knowledge, which serves them in good stead as opportunity arises. There is no pleasanter talk than the gleanings of a student of character among the memories of the various circles and classes he has mixed with. We leave his company feeling human nature to be a livelier, cleverer, more impressive thing than we had been in the way of finding out for ourselves. Mere invention, expending itself on a past state of things, commonly falls flat; but the reproduction of the actual life of fifty or even twenty years ago is an invaluable contribution. Memory that performs feats commonly expends itself on the laboured efforts of the human understanding. Memory of the higher sort distinguishes for itself what is memorable. To repeat what another has said because it was characteristic of him is a more useful exercise of the talent than to commit pages of the same man's writing to memory. Perhaps too it is a more difficult one.

In these cases the value of memory consists in its literal, even verbal, truth. There are many personal anecdotes which we feel are most probably false—if not wholly false, yet enough so to destroy their use as evidence of character. There must be a stamp of genuineness which only verbal accuracy can supply. Such memories imply habitual conscientiousness; they are respectable as well as brilliant possessions. For few memories are entirely truthful. We many of us find them false mainly to our own cost or inconvenience. We are sure we put a missing article where we did not put it, that we read a passage in the middle of a right-hand page when it turns out to be at the top of the left; the eye of memory has the most distinct recollection, and yet it is not true. The most disinterested witnesses at a trial contradict one another because each is sure of what he neither saw nor heard exactly as he thinks he saw or heard it. Nobody is willing to attach any moral taint to these involuntary errors, though a certain steadiness of observation, an habitual holding self in check, and putting positive-

ness to the test, might have preserved us from it. Again, certain ideas, certain forms of expression, slide into the memory unawares, and pass current for original thought, and betray people into involuntary plagiarism. We suspect that a great many persons assume to themselves a faculty of invention when they are only cheated by their memory introducing itself as an original conception, and performing its feats in disguise. Not many suffer under the reverse deception, of which Charles Lamb accuses himself when lamenting the strange fatality through which everything he touched turned into a lie; relating how he once quoted two lines from a translation of Dante which Hazlitt very greatly admired, and quoted in a book as proof of the stupendous power of that poet. But no such lines were to be found in the translation searched for the purpose; whereupon he adds, "I must have dreamed them, for I am quite sure I did not forge them knowingly. What a misfortune," he plaintively concludes, "to have a lying memory!" On the other hand, a correct memory is the most necessary of all aids to the liar, as we are reminded by a hackneyed proverb; and it also prompts to lying in unprincipled hands. Wood tells a story of Hoskyns the Winchester boy who, having neglected to write his verse exercise, glanced for a minute or two over the shoulder of a more diligent schoolfellow, and upon the master calling him up, said he had lost his paper, but if he might be allowed he would repeat without book the twenty verses he had written; which he was permitted to do. The other boy was called next; and showed the verses which Hoskyns had just repeated, and, being taken for the thief, was sorely whipped.

Next to the lying memory, and far more common, is the treacherous memory that fails us at a pinch, hiding itself in darkness, leaving us cognizant of its existence but eluding our grasp. Nothing is more tantalizing than this state of mind. The man who feels the fact or word or name flitting just out of his reach is a misery to himself and everybody else. Very few people have philosophy enough to give in; to reflect that what they search for in such restless persistence matters to nobody; for the time being they have lost part of themselves and worry after it; for

Memory frets

When words that made its body fall away
And leave it yearning dumbly.

This fretting is a bore, but it is also evidence of the universal regret at the failure of memory. It is one of the most pathetic facts of life, to which no use reconciles us, that so much of the prime and flower of its thought and wit should pass utterly away while still ringing in our ears; that words which range themselves in noble, touching, solemn order should slip out of our thought, never to sound with the same rhythm again; that sayings and incidents, each a revelation of personal character or of deep human nature, should have no witness capable of recording them; that each generation should know so little of its predecessors. This is the memory which men yearn after, for the want of which conversation is disappointing, and history and biography so imperfect; but in desiring which we know not what we ask. Life, in fact, has not room for such memories.

INVECTIVE AS AN ORNAMENT OF DEBATE.

WHEN Mr. Disraeli said that "invective was a great ornament of debate," he was doubtless thinking of the weapon with which he himself had fought his way to the leadership of the Tory party. It was not for the strength of his arguments that the country gentlemen chose him to be their gladiator, nor was it the keenness of his logic that they saluted with frantic cheers. It was the savage strokes that he dealt at the Minister who, as they thought, had basely betrayed the party which had given him place, power, and honour. The fierce, unscrupulous invective which he flung at the renegade made them drunk with joy. Colonel Sibthorp and his friends saw the rhetorical flaying of Peel with some such delight as a band of Red Indians would view the torturing of a famed and dreaded captive. Nor did they too curiously ask what were the motives of the torturer. They forbore to inquire why he had been so quickly filled with a zeal for Protectionism, and why he had so speedily forgotten the Free-trade logic to which he had given the light cogency of wit in his novels. It was enough that the reputation of a traitor was torn to pieces; that the man whom they had once saluted as a paragon of statesmanship was pulled down to the level of commonplace humanity; and that he was accused of having lived on the beggary of other men's intellects. The most stupid of squires doubtless knew that Sir Robert Peel was not the compound of pretence, hypocrisy, incapacity, and treachery which was painted in the lurid hues of Mr. Disraeli's perorations. And the more dignified foes of the Minister were doubtless half ashamed of the witty satire which they cheered. But that did not prevent Mr. Disraeli from reaching a first position in the Conservative ranks at a bound by his mastery over invective. When he had once taken his place beside the leaders of his party, he did, it is true, display a rich store of unsuspected qualities, and notably such a power of leading men against their wills into strange paths as eclipsed the personal influence even of greater Parliamentary chiefs. But he might have sat for years on the back benches, and in all probability he would never have been Prime Minister of England, if he had not been a consummate master of satire, and if he had not been audacious in the use of burning epithet. Nor did he sheath the weapon when place had come to him, and

power, and the official privilege to be dull. His later speeches, as clearly as his earlier, are essentially pieces of invective, and his oratory would fill a small space if it relied on the sober qualities of fact and reasoning. In fertility of illustration, in swiftness of argumentative statement, in the union of academic brilliancy and homely force, they lie far behind those of Macaulay. In power of advocacy they do not compete with the harangues of Mr. Bright, or in lucid argumentation with those of Mr. Cobden. Nor in mastery of detail and subtlety of view do they rise to the same dignity as the defective oratory of Mr. Gladstone. They draw their fascination from the fact that the chief passages are essentially personal. Dull and almost commonplace so long as they deal with matters of fact, they are full of point so soon as they fly at character. Who that heard the rhetoric will forget how Mr. Disraeli has again and again lashed out at Mr. Gladstone, or how, on a certain famous if not decorous occasion, he turned aside from the dry details of Parliamentary Reform to paint Mr. Lowe's rich capacities for hate. He has brightened Parliamentary life by the glow of his satire, and cast into the language a crowd of sparkling phrases or epigrams on the follies of his foes. For him sarcasm has thrown so widely open the gates of place, power, and fame, that, if his pride did not disdain the trivialities of heraldry, his crest would be a dart, with the motto "I pierce." It is no wonder that he believes invective to be a great ornament of debate.

The same value might have been attached to poisoned or loaded words by Canning, for his statesmanship was the late flower of a short life, and he made himself formidable in youth chiefly by such qualities as shine in the *Anti-Jacobin*. Sydney Smith contemptuously said that he was no more than a writer of squibs. Pitt knew that stronger stuff lay in the brain that played with its unforced leisure by penning witty lampoons, and that threw the House into convulsions of laughter by the clever levity with which it treated grave themes. But Canning could never cast aside the habit of using his old weapons. A satirist when, with easy conviction and high ambition, he held briefs for Pitt, he was a satirist when the death of Pitt left him the most brilliant debater in the House, and a satirist when, as Foreign Secretary, he penned against Minister Falck the rhyming despatch:—

In matters of commerce the fault of the Dutch
Is giving too little and asking too much.

Canning was trained in a time which gave to invective as high a place in the armoury of political discussion as we give to statistics. It is, in fact, startling to compare the ablest political utterances of seventy or eighty years ago with the most powerful of our own day. Burke was unquestionably the most commanding intellect in the Parliament of his time, and he was not the least quick to distrust theories or to see the value of facts. Indeed he waxed fanatical in his contempt for the dreamers who draw the materials of constitutions from the depths of their moral consciousness, and who fancy that they are equipped for the government of a State when they have rhetorically mastered a few windy principles about the rights of man. Although essentially a philosopher, he seemed to grovel at the feet of practical men as if he were half ashamed of his own faculty for generalization. Yet his writings are the most eloquent of practical commentaries on the text that "invective is a great ornament of debate." His *Reflections on the French Revolution* is a piece of invective from the first page to the last. Although a pamphlet in form, it is a speech in reality; and it is the most passionate and most brilliant speech ever addressed to the English people. The coolest mind cannot read it calmly or prosaically. Nowhere else in English literature are such richness, such picturesque force, such point, and such wealth of invective crowded into the same space. Even the passionate malignity and the epigrammatic skill of "Junius" fail to coin a like multiplicity of epithet. The mint of Burke's literary genius was furnished with an indefinite number of dies. And each struck a new impression, so that his pages glow with images of scorn and hate. If Mr. Disraeli were to offer frank counsel to young rhetoricians, he would parody the eulogy which Johnson applied to Addison, and say, "Whoever wishes to attain a Parliamentary style, passionate but not coarse, and picturesque but not flowery, must give his days and nights to the writings of Burke." At least that has been done by Mr. Disraeli himself, just as certainly as it was done by Macaulay. The picturesque epithets, the pointed phrases, the passionate dislike of commonplace words, the Oriental richness of imagery, by which the speeches of the Tory rhetorician charm, amuse, and amaze, recall at every turn the qualities of Burke. They are the reduced copy of a great original. The likeness is so striking that it is difficult for students who are familiar with Mr. Disraeli's peculiar intonations to read aloud some passages of Burke without falling into a mimicry of the living rhetorician's voice. Nor did Burke stand alone in giving a chief place among the weapons of debate to invective. Sheridan's only claim to the honour of statesmanship lay in a rich armoury of personalities. Nor was Fox ever a calm reasoner. He thundered out his arguments with a fury that sometimes made him almost inarticulate, and he was really less eager to make good his case in a calm court of logic than to blazon forth in burning hues the incompetence, the folly, and the perfidy of the right honourable gentlemen opposite. If the prosaic and statistical calmness of living debaters might have been expected from any of Burke's brilliant contemporaries, it might seem to be from Pitt, who had become a statesman before he had ceased to be a youth, and who brought to the House of Commons the

principles of Adam Smith and the facts of finance when Fox was ostentatiously ignorant of the economic laws that regulated the commerce of England. And the speeches of Pitt are certainly more like those of our own day than any other speeches of Pitt's time. Their stately frigidity has as certainly been a model to Mr. Gladstone as the Asiatic luxuriance of Burke has been a model to Mr. Disraeli. Yet Pitt's most potent weapon was his power of sarcasm, and he used it unmercifully. As ready for a war of personalities as of facts, he would have used the epigrams of "Junius" if nature had not denied him the faculty of condensing invective into barbed and poisoned epithet.

Such was the place that invective played in debate three or four generations ago. But a wonderful change has come over the House of Commons. Mr. Disraeli is the only debater who keeps alive the old practice with a power worthy of old days. Mr. Bernal Osborne is too light a lance to form another exception when we are speaking of chiefs. Mr. Bright has often flung epithets at his opponents, and his sarcasm on the Cave of Adullam won high success; but the literary merit of such sallies has been enormously exaggerated in a time of strange rhetorical barrenness, and the vigorous stream of invective which Mr. Bright turns upon all who do not agree with him is too vague and general to possess an artistic value. Lord Salisbury strikes a note which is more like the old sound. And Lord Westbury might have become a master in the art if nature had as richly gifted him with oratorical utterance as with bland malignity. Mr. Gladstone often betrays by tone and gesture a wish to wound, but the artistic form of the menacing words does not match the accompanying modulations of the voice, and so they sound like decorous commonplace next morning. In print they would be effective only if they were illustrated by a pictorial sketch of the gesture with which they have been propelled. The reader would then see why the House laughed loudly when Mr. Disraeli said that Mr. Gladstone had given him such a look as to make him glad that there was a solid piece of furniture between them. But gesture is not invective.

There is one obvious cause of the fact that invective fills so much smaller space in the debates of our day than it did in the discussions of a past generation. Although Mr. Miall has been vigorously prompting us to commit political arson, we hardly know what is meant by "blazing principles." Our great party fights would have seemed so many squabbles in the street to the England which was rocked to and fro by the tempest of the French Revolution. We have fallen on a time of prose. Sir Robert Peel—we mean of course the great Sir Robert—put his finger on its real character when he recommended young members of Parliament to leave the windy strifes of foreign politics alone, and go for lessons in statesmanship to the Railway Committees. There they would find few principles and many facts. There they would learn to become masters of detail. And this is essentially a time of detail. The House of Commons gives a specimen of its real ability only when it deals with matters of detail. It often displays a consummate power of practical criticism when it examines the several clauses of a Bill in Committee of the whole House; when every chairman of Quarter Sessions and every country squire brings the experience of a lifetime to bear on any scheme for the readjustment of local taxation; or when heavy members from the City fling down piles of tabulated figures and facts to turn aside the ploughshare of a Budget. But heroic oratory is as distasteful as "heroic remedies" to an age in which Cobden made himself the idol of the middle class by a large and vigorous arithmetical faculty, by contemptuously pushing aside all theories that were too subtle to be comprehended at a glance in the counting-house, and by speaking in a style which was a model of clearness, which did not contain one eloquent sentence or one far-reaching thought, and which did not let fall a single phrase felicitous enough to be remembered a generation hence. Mr. Cobden's audiences were so eager to get at the facts of the subject before them, and they were so little troubled by a fastidious culture, that they did not complain because the statement was not spiced with invective. But there is a less flattering reason why invective now plays a small part in debate. It is a difficult weapon to handle. Mere abuse is not invective; it is only an expression of rage. Very often it signifies only that the author of it would wound if he could. Nor is the feeble and monotonous blasphemy of the streets the invective of art. It is only the round general terms that betray confusion of thought, and an inability to find a phrase of accurate description. It bears the same relation to invective as the crying of an infant bears to the articulate complaints of its future years. But artistic invective stands on an altogether different plane. Its aim is to do the work of argument by means of a sentence or a phrase. It should paint the victim as such a fool or such a knave that what he says must seem incredible, or ridiculous, or the offspring of a wish to dip his hand into the public purse. Such invective as will tell on the House of Commons must, on the other hand, be so free from any taint of vulgarity, or of cant, or of vague abuse, that it must be able to bear analysis at the hand of educated gentlemen. It must be descriptive, it must condense an argument into a phrase, or it must in some other way give a criticism in shorthand. It is nothing if it is not epigrammatic. And, if it is epigrammatic, it will be pardoned for being false. When Mr. Disraeli said that Sir Robert Peel's life had been "one great appropriation clause," Lord George Bentinck and the howling phalanx of squires did not believe the phrase to be literally true; but it had a basis of truth, for Sir

Robert Peel had an assimilating rather than an originating mind, and the words were a witty exaggeration of the fact that he had to cast about for ideas. Such satire can be minted, however, only by men of literary power. It is common in France, which is more richly endowed than any other nation with the faculty of artistic expression, and it is to be seen even in the degenerate Assembly which mirrors the passions rather than the intellect of a country that shows symptoms of decline. It was common in England when Burke, Sheridan, and Fox all framed their oratory on a high literary model. But it is vanishing from a House of Commons which represents before all things the select vestry and the counting-house. There has seldom been a House so poor in all the higher, subtler, richer graces of culture and literary capacity as that which has again begun to legislate and speak. Its "great debates" seldom bring forth one great speech of the old stamp. Such greatness as it does display comes from a command of detail; and in that respect Mr. Gladstone has seldom, if ever, had a superior in the House of Commons. The power may be somewhat Churchwardenish, and it is whispered that Mr. Disraeli once apologized for his own lack of it by saying, with an air of grand sarcasm, "My intellect was never parochial." At least it is the power which comes most readily to a commonplace mind, and it offers the dulllest and most ephemeral of all reading. No chance of living belongs to speeches which are only masses of detail. Those alone live which rise from detail to general principles, which deal with truth that does not perish with the day, or which clothe fact, argument, and feeling in language that has the true touch of literature. And such speeches are now so seldom heard in the House of Commons that a generation hence this Household Suffrage Parliament will be remembered only for what it did, not for what it said. It betrays the reign of the *bourgeoisie*. And the young members of the House display so little power of raising the standard of oratory, that we may have to wait long for a revival of the power to give reason and feeling the utterance of artistic grace. But when culture shall come back to the House of Commons, and with it political passion, invective will again be a great ornament of debate.

EUTHANASIA.

A CURIOUS controversy in which we were more or less concerned shows symptoms of breaking out afresh. The original cause of the discussion was an essay which formed part of a volume published by the Birmingham Speculative Club. Mr. Williams, its author, suggested that persons dying of incurable diseases should be mercifully put out of the way, as we shoot a favourite dog or horse under similar circumstances. There was undoubtedly, in a sense, something attractive about the proposal; and, moreover, the essay in which it was set forth showed considerable literary power. The author belonged to the small class of systematic pessimists; he held that, on the whole, pain greatly predominates over pleasure throughout the knowable universe, and that all that was left to us was to diminish its amount within the narrowest possible limits. Without sharing so appalling a creed, we admired, from a purely artistic point of view, the vigour with which it was proposed as a basis for action. Mr. Williams indeed seemed to prove too much; for if humanity is really in so pitiable a state as he imagined, we ought all to be classed amongst the incurables. There would be a presumption in favour of killing anybody; and our only logical course would be to join the Shakers or the Russian sect which thinks that the process of increasing and multiplying should be summarily stopped. Limiting ourselves, however, to the narrower question, we could not deny that Mr. Williams rested his case upon an undoubted basis of fact. There are many cases in which cruel suffering is endured for days or weeks without the smallest prospect of ultimate relief. The friends of the sufferer feel it to be their duty to keep life in the body as long as it can possibly be preserved, though life means merely a prolongation of torture. To put an end to the victim in such a case would undoubtedly be, so far, to diminish the total amount of human suffering; and if that were the whole of the question, we must, on utilitarian principles, admit the cogency of Mr. Williams's argument. A curious passage has been quoted from Sir Thomas More's *Utopia* which shows that that amiable philosopher had been impressed by the same reflections. The clergy in his ideal country encouraged their flocks in the discharge of this melancholy duty. A writer in the *Fortnightly Review*, who has just taken up this proposed reform in our morals, apparently in sober earnest, and in the spirit of an eager proselyte, adopts the suggestion. He thinks that, to provide a due guarantee against the possible abuse of a practice which certainly would have its dangers in careless hands, the clergyman of the parish should be always present on the occasion of the proposed *Hari-Kari*. Future novelists will have to paint the white-haired vicar, summoned from his repose at dead of night, not in order to soothe the dying hours of his parishioners by spiritual consolations, but to kill them offhand. A good deal of trouble will be saved both to vicar and parishioners, but to our uneducated minds the priestly character seems to be scarcely in harmony with ministrations of this kind. We can, indeed, produce a close parallel. Mr. Charles Buxton suggested, in the posthumous book which we lately reviewed, that old and imbecile persons should be shot by the bishop of the diocese. We are inclined indeed to suspect that Mr. Buxton was not quite serious, and therefore that he differed a little from these very earnest advocates of

the new mode of lightening the heavy burden of humanity. However, in Utopia it is possible that this and other applications of the same principle may be carried out. When we are a little more enlightened we shall perhaps take upon ourselves the responsibility of pruning mankind as we now prune a garden. Such a scheme, carried out systematically and with adequate knowledge, would provide the solution of many difficulties. Mankind might be allowed to multiply as fast as they pleased; all children would be allowed to grow up, say, to twenty-one; it would be determined by law how many conscripts were required for the service of humanity, the finest specimens would be selected for the purpose, and the inferior would be put to death with all possible kindness. Not only physical, but moral or intellectual, infirmities, such as a tendency to kill, or rob, or bore one's neighbours, or an incapacity for arithmetic, would be considered as reasons for plucking, which in this case would mean killing, the unfortunate candidate for life. These speculations, however, as we are anxious to repeat, apply strictly and solely to Utopia. We should most strongly oppose a Bill for giving effect to our suggestions if Mr. Gladstone should introduce one in the next Session of Parliament. We are speaking merely of that imaginary region where the laws of society will be laid down on mathematical principles, and morality ground out by a calculating machine. That we have not yet arrived at that consummation cannot be too distinctly announced, for it seems to be a prevalent notion with many modern zealots that whatever would be true in Utopia is true of England in this nineteenth century. There could not be, in our opinion, a more fatal mistake, and the proposal of which we are speaking is a curious illustration of the fact. Whether admissible or not amongst the "Coming Race," or in "Erewhon," or some other land of the future, we protest against it altogether when proposed as a practical innovation at the present day.

Without examining the religious aspect of the question, a simple utilitarian view seems to give quite sufficient answer. The proposal, briefly put, is to legalize suicide in certain cases. In order to support this doctrine, it is said that the absolute prohibition of suicide sometimes causes great and unnecessary misery. That is true, and is indeed little more than a truism; it is equally true of almost every other moral law that can be mentioned. Casuists have invented any number of cases in which the discharge of a duty involves a great amount of suffering, and they have generally decided that, in some extreme cases, the duty ceases to be binding. Such, for example, is the hypothetical case of telling a lie to prevent a murder. The mischief done by adherence to the law may conceivably be so great and palpable as to overbalance the mischief always done by breaking the law. In like manner, in the case under consideration it is possible to suggest instances where the suffering is so fearful and so obviously useless that few persons would condemn with severity the man who should on his own responsibility break the law. But moralists have very rightly been shy of making a definite exception to the law, even whilst admitting that in some extreme cases obedience may become impracticable. There is an enormous difference between saying beforehand, The rule against suicide has such and such definite limitations, and admitting that in some indefinite cases the palliation of the offence may almost amount to an excuse. There are some cases in which murder turns into excusable homicide; but it would be very rash for the Legislature to attempt an exhaustive definition of them beforehand. The question is better left to the jury and to the authority with whom the power of pardon remains. And thus, whilst admitting that exceptional cases are conceivable, we altogether decline to admit that the rule against suicide should be relaxed in a definite set of cases. Our objection rests on a very simple principle, as indeed we explained when previously discussing the subject.

It is of primary importance to inculcate a regard for the sanctity of human life. The reluctance to take life is indeed often pushed to an extreme by the opponents of capital punishments. But nobody can say that the mass of the population have as yet pushed their tenderness to the verge of effeminacy. A little story related for a different purpose in the *Fortnightly Review* illustrates very prettily a sentiment which is not so uncommon as might be desired. A sensible Scotchman watching by the bedside of his dying wife became impatient at the poor woman's anxiety to express her last wishes, and civilly requested her to "get on wi' her deeing." Now amongst the poorer classes, where the inconvenience inflicted by people who "take an unconscionable time in dying" is necessarily felt much more keenly than with people in a different rank, it is to be feared that this delicate hint is frequently followed up by some practical remonstrances. "They pinched his nose beneath the clothes," as Barham says, on the authority of a real occurrence, "and the poor dead soul went off like a lamb." Suppose, in fact, the case of a small cottage, where the invalid has become a heavy burden upon his family instead of a support, where the expense of providing medicine and attendance is most seriously felt, and where the sick room is also the only dwelling room, must there not frequently be a strong temptation to give him a quiet push or two along the downward path? If it were understood to be the law that invalids might be finished off when the case was hopeless, would not the temptation be frequently overpowering? Yes, it is replied, but the doctor and the parson must be present. That is all very well, but if the practice became common the people would quickly learn to take the law into their own hands. For it is to be observed that this is one of the cases where nobody could tell tales. A man on the verge of death does not require to have

his throat cut or a dose of arsenic administered. A judicious shake, an omission to cover him properly, or the exhibition of an over-dose of laudanum, will do the business effectually, and no possible proof remains. Once allow that such things may be done with due precautions, and the precautions will soon be neglected as troublesome formalities. Why bother the doctor and the parson, why ask the sick man's consent, when the case is so clear? Of course the system need not be openly mentioned, but it would be speedily understood to be a highly convenient practice. The advocates of the scheme admit that the precautions of which we have spoken are absolutely necessary to prevent abuse; and we may add that it is simply impossible to enforce their observance. The practice itself once sanctioned, nothing is clearer than that people could, if they chose, carry it out in their own methods. No practice, again, could be more directly destructive of any strong persuasion of the sanctity of life. We need only read a few police reports to understand how great is the existing tendency to violence of all kinds. Infanticide, as we know, prevails to a terrible extent, and wife-killing is not much less popular. Admit that the slaughter of invalids is also right under certain limitations, and it is easy to guess the consequences. The devotion which the poor display in cases of sickness is often amongst the most touching and amiable features of their character. In spite of the temptations we have noticed, they will often make noble sacrifices for the comfort of their dying relatives. Tell them plainly that they are rather fools for their pains than otherwise, and that they had better suggest suicide to the sufferer at the earliest opportunity; and you do your best to encourage, not merely suicide, but the cruel murder of a helpless man. A deathbed, instead of being the scene for calling forth the tenderest emotions and the noblest self-sacrifice, will be haunted by a horrid suspicion; the sick man fearing that his departure is earnestly desired, and his friends inclining to the opinion that killing is not murder, but kindness. The agitation of the question what is the proper moment for smothering your dying father instead of soothing him is not favourable to the development of those sentiments and the inculcation of those lessons which we generally associate with a sick-bed. In fact, the plan which certain eccentric philanthropists have advocated with such queer enthusiasm has a direct tendency to make men greater brutes than they are, and they are quite brutal enough already.

A LOCAL PAPER A HUNDRED AND FIFTY YEARS BACK.

WE have lately come by chance on one of those smaller relics of past times which perhaps bring those past times before us in a more vivid way than the more dignified sources of history. A will, a journal, a private or local document of any kind, will often, in the hands of one who knows how to make use of it, prove even more than a state paper. Here we have before us a local newspaper, at least the reprint of one, a hundred and fifty years old. The *Reading Mercury* has, it seems, just reached that venerable time of life, and it has wisely commemorated the fact by giving its subscribers a facsimile of the number of the paper which appeared on February 1st, 1723. The outward form of the paper is widely different from that of a local paper of our own day, and its matter is no less widely different. It has the air rather of a pamphlet than of a newspaper, consisting of eight small quarto pages, the first of which is wholly taken up by a title-page, made up mainly of a symbolical picture. If we turn to the contents, we at once feel that the paper is meant for a class of readers quite different from those for whom local papers are now meant, and for a much higher class. We have no special knowledge of the *Reading Mercury*, but we will suppose it to be an average specimen of the higher class of the ordinary country paper. We of course put out of comparison papers like some of those published in Manchester, Glasgow, and others of the great Northern cities, which, though not published in a capital, are really something more than local. Comparing our Reading paper of 1723 with an ordinary respectable county paper of 1873, our first feeling is that the standard of taste and culture must have stood higher in Reading and the coasts thereof a hundred and fifty years ago than it does now. The paper is printed at Reading, but the affairs of Reading and its neighbourhood take up only a few lines of its seven pages; all the rest is devoted to matter of national and even of cosmopolitan interest. But we should be greatly mistaken if we thought that this at all proves that the inhabitants of Reading have gone back in cultivation since 1723. That the paper has in some respects a higher character than a local paper has now is simply because many more people can read now than could read then. We must of course bear in mind that in those days the society of a county town stood, though not positively, yet relatively, higher than it does now. Reading in 1723 would not have lost the character of a local capital, of which a few places like York and Exeter keep some traces still. We may be sure that a class of people lived there then whose descendants most likely do not live there now. But notwithstanding this, we may be sure that the standard of culture in Reading or in any English town is higher now than it was in 1723. The real difference is that the local paper of those days was addressed to the highest standard in its own neighbourhood, while the local paper now is, not exclusively but mainly, addressed to a standard far short of the highest. Those who now form the great body of the readers of a local paper would in 1723 have read nothing at all, and those for whom the paper of 1723 was

published would now, to say the least, read London papers as well. In 1723 the *Reading Mercury* was doubtless, if not the only, yet certainly the chief, means of communication with the outer world which was open to the reading public of Reading and its neighbourhood. As such, it appeals not to their lowest but to their highest tastes; it conceives them as taking at least as much interest in the doings of his Czarish Majesty as in their neighbour who was knocked down and bruised by two footpads. No doubt a modern local paper has its general and foreign as well as its local news. But then the higher class of its readers hardly look at those parts of it; they get their knowledge of those matters from other sources. It is only a lower class of readers to whom the local paper is really the means of giving knowledge about the affairs of the world in general. In 1723 this class did not exist; it was only the more cultivated part of the inhabitants of Reading who read anything at all, and, as far as the current events of the world were concerned, most of them could have had no means of learning anything except from the *Reading Mercury*.

The local paper of 1723, besides the difference in its size and shape, differs from a modern local paper in two very marked ways. It has nothing at all like a leading article; it states facts without comments, or with such comments only as were supplied by the sources whence it got its facts. And it is written throughout in straightforward English; there is not the faintest approach to fine writing, there is not the feeblest shadow of a joke, from one end of its seven pages to the other. The chroniclers of current events in those days, just like the travellers in those days, simply said what they had to say, and did not think it any part of their business to bring in a hop, skip, and a jump in every sentence. We may also mark another thing; the title-page announces that the paper is printed by D. Kinnier, whose name sounds like that of a Scot who had come to enlighten the Berkshire men, and it is added "of whom may be had Land-tax Receipts, Assessors Warrants, Funeral Affidavits, and by whom Advertisements are taken in." To judge, however, from the paper itself, it would not seem that any advertisements were taken in; at least there is nothing like an advertisement in the paper, unless we reckon half a page of "Books published in London, this week." These amount to four, the first of which is no other than Burnet's *Travels through Switzerland, Italy, some parts of Germany, &c.*, a book which it is instructive to compare with any modern book about the same countries. Burnet did not go up the mountains, and he did get up the constitutions. Another is a Mr. Whiston's *Proposals for Printing by Subscription, authentic Records concerning the Jewish and Christian Religions*. Several places are mentioned where subscriptions are taken in, but all are in London; it does not seem that the great monogamist had any agent in Reading. This comes on the second page along with the weekly bill of mortality for London; there is in the last page a weekly bill of mortality for Reading. At Reading, if we rightly understand, only three persons died in the week, and that was an increase of two on the burials in the week before. All three died of "the convulsions," unless indeed we are to raise the deaths to seven and suppose that the word "Ch rined," which we took to mean "christened," really stands for some kind of disease. Certainly some of the causes of death in the London report seem strange enough. Of the 761 burials no less than 308 are those of people who have died of "convulsion," which, plural at Reading, becomes singular in London. Four died of "headmouldshot," two of "livergrown," one of "purples," and two of "rising of the lights." Two are entered as "chrisoms," which ought to mean while still in the white robe of baptism, but which we believe had, in the language of bills of mortality, got to mean unbaptized children. Besides these there are, as in Sir Richard Baker's Chronicle, the "Casualties" "Drowned in the river of Thames at St. Paul at Shadwel 3. Found dead at St. Margaret in Westminster 2. Murder'd at St. Olave in Southwark 1. Overlaid 3."

The London exports and imports are given, and the prices of corn in Reading market. Several elections of members of Parliament are recorded, and several ecclesiastical preferments. Among the former we find that "George Morton Pitt, Esq."—the only person mentioned in the paper who has a double name—"one of the Representatives of Old Sarum, having since his Election accepted of the place of Register [sic] of his Majesty's Revenue of the Excise, is rechosen a Burgess of the said borough." The election for Kingston-upon-Hull is described at much greater length, and the Reading paper copies seemingly from the London *Evening Post* the exulting words of a Hull informant, how George Crowle, Esq., was elected "to the entire Satisfaction not only of this Town, but of the whole Country round about us; who heartily joyn with us in giving all possible demonstrations of joy upon our having chosen a Gentleman of the most unblemish'd Character, being sincerely Loyal to his most Sacred Majesty, a Zealous Asserter to the Just Rights and Privileges of his Countrymen, more especially of his Fellow Burgesses, and a true Lover of our present happy Establishment in Church as well as State." This is the finest political flourish in the paper. For the rest, we hear of a few cases of robbery, one of them of a clergyman in a chariot in High Holbourn, of the taking of a pirate sloop in the West Indies, how "Saturday last Sir Richard Steele, Kt., Member of Parliament for Wendover, arrived in Town from Bath in good health," and how "the Corps of William Lowndes, Esq., late Coadjutor Secretary with Horatio Walpole, Esq. to the Lords Commissioners of the Treasury," was to lie in state successively

at two houses of his in Buckinghamshire. Of anything like private gossip the only bit runs thus:—

We hear, that a treaty of Marriage is on Foot between John Mydleton, Esq., Brother of Robert Mydleton of Chirk Castle in the County of Denbigh, Esq.; and the only Daughter of Mrs. Liddel, of Bedford Row, a young Lady of a very considerable Fortune.

Happy 1723, when a treaty of marriage was "on foot" and not "on the tapis." Of anything like a Court Circular there is not a trace; there is no account of any personal doings of the King or any of the Royal Family. Only we do hear that at Newcastle-upon-Tyne "his Majesty's Health and the Health of the Prince and Princess of Wales, and the Royal Family were drank with the utmost Loyalty, and the Evening concluded with ringing of Bells, and other Demonstration of Joy." But this was because "William Carr, Esq., our Representative in Parliament, deliver'd to the Mayor, Matthew Featherstone, Esq., his Majesty's Licence and Pardon to this Corporation, for having some time ago made a considerable Purchase of Land contrary to the Statute of Mortmain." The account of these rejoicings at Newcastle is followed by a paragraph saying "We hear, that a Proposal will be laid before the Parliament, to reduce the Duty on French Brandy, to prevent the Smuggling of it." The article before the word "Parliament" has now quite gone out of use, as has the addition of "Esquire" to the names of persons bearing the prefix of "Honourable." But as "Honourable" is an adjective and "Esquire" a substantive, and as peers' younger sons are Esquires, the custom is perfectly reasonable.

But perhaps the most taking part of our *Reading Mercury* is to be found in its notices of foreign affairs. The year 1723 was not an unimportant point in European history. Some of the entries read almost as if they belonged to our own time; only the titles of "Emperor" and "Imperial Majesty" are reserved to their proper owners, and the sovereign of Muscovy, though the Great Peter himself, is pointedly distinguished as "the Czar" and "his Czarish Majesty":—

Mr. Dierling, Resident of the Emperor [at Constantinople] had an Audience of the Grand Vizier: who 'tis said, declared to him that the Grand Seigneur seeing that notwithstanding the Remonstrances of the Porte, the Czar goes on with augmenting his Troops on the side of Persia, with an intent, it seems, to subdue Part of that Kingdom, his Highness has thought proper to send some of his Forces towards the Frontiers of Russia, to oblige his Czarish Majesty to desist from his Enterprize, which, if carried on, would certainly prove very prejudicial to the Ottoman Empire. That, however, the Grand Seigneur will always be disposed to preserve Amity and Friendship with the Czar, provided his Czarish Majesty, abandons his Conquests on the Caspian Sea.

In another part is a curious account, coming in letters from Lisbon, of the disputes between different Christian sects at Jerusalem, how a Franciscan friar "proselyted a Grecian Priest and endeavour'd to do the same by his neighbours and acquaintances," how the Greeks "wrote to Court, complaining bitterly of the Innovation," and how "the Sultan, willing to oblige the Greeks, decreed, that those Monks should neither preach nor enter the House of any Laymen, whether Romanists or others, and that all the new Converts should return to their old Principles upon pain of Imprisonment." The Franciscans then send two of their own body to the Sultan, praying that the decree may not be carried out, "but till they hear further they are forced to perform the Offices by Night, and with the utmost Secrecy, for fear of the Greeks."

Lastly, there is much about the resignation of the Crown of Spain by Philip the Fifth, and "how we hear that the late Queen of Spain would very willingly have diverted his late Catholic Majesty from his Resignation, but she came to the knowledge of it too late, so that finding no Remedy and perceiving the Spanish Grandees jealous of her Authority and, uneasy at her favouring Italians, she quitted the Throne with all apparent satisfaction. Everybody is expecting the Consequences of an Event so very surprising." In the same extract from the *St. James's Evening Post* we find that Cardinal Alberoni "receiv'd his Hat."

Altogether the *Reading* people got no bad supply of news in 1723; but they had to comment for themselves.

THE PROTEST OF THE PRUSSIAN BISHOPS.

IT was of course not to be expected that the Prussian bishops would pass over in silence the proposed ecclesiastical legislation to which we recently called attention. They could not but feel, as one of the German newspapers expresses it, that a sufficiently strong leverage has been applied to disintegrate the whole fabric of hierarchical and Ultramontane ascendancy in the country. And they have accordingly issued what is on all sides understood to be not so much a protest as a menace, but a menace the true value of which had been pretty well discounted beforehand by the Government, as is clear from the brief and somewhat contemptuous comment of the semi-official *Provincial Correspondenz*. One or two obvious criticisms are indeed suggested by a first cursory glance at the document, and before entering on any detailed examination of its verbose and interminable paragraphs. In the first place, it is worth observing that, while the protest is presented to the Cabinet by the two Archbishops "in the name of the rest of the Episcopate," we have no intimation of its having received their signatures, from which we may perhaps infer that some at least of the body felt shy of committing themselves too definitely.

Not indeed that their signing an official protest would have proved much as to their real sentiments. All the German bishops subscribed the recent protest against the expulsion of the Jesuits, but it is said that two of the best known among them, one of whom was appointed after the Vatican Council, freely express in private conversation their satisfaction that the Jesuits are got rid of. And then again there is the important point, of which the Government organ has not failed to remind them, that these very bishops protested at Rome against the action of the majority of the Council on the express ground, among others, that it must inevitably lead to conflicts between Church and State, in the responsibility of which they desired to disclaim all share before God and man. Still more explicit, we may add, was the language of Archbishop Kenrick of St. Louis, in his published *Concio de Pontificia Infallibilitate* (quoted in Lord Acton's *Letter to a German Bishop*), where he says, "Qui Concilii decretis obsequi vellent, invenient se maximis in difficultatibus versari, Gubernia civilia eos tanquam subditos minus fidos, *hand sine verisimilitudinis specie*, habebunt." The Archbishop had, in fact, predicted accurately enough what has since occurred in Germany, where the undisguised political disaffection of the infallibilist party has led the Government to take up a decided attitude. Another general remark is suggested by the mingled complaints of persecution and ostentatious aspirations for martyrdom—except indeed in the unromantic form of pecuniary fines, which alone are threatened—so freely indulged in throughout the episcopal memorial. The prelates appear to forget that the State only interferes with their freedom of action so far as it accords them its support. The new laws apply to the two established and endowed Churches of Germany—the Catholic and Evangelical—and to those alone. The appeal to the absolute freedom enjoyed by Catholic bishops in England and North America, where they are simply regarded by the State as ministers of one out of many unestablished sects, is therefore illusory. If the German bishops like to purchase immunity from State control by resigning their civil privileges and endowments, they can do so to-morrow. But, in spite of their brave words, it is highly improbable that they will do anything of the kind, and it is tolerably certain that many of them have as little genuine desire to be taken at their word as they had genuine affection for the Jesuits.

The memorialists are determined to begin *ab ovo*, and their protest, said to be the composition of Bishop Ketteler, starts with a minute and long-winded exposition of the rights possessed by the Church in Prussia on grounds of Catholic doctrine, the laws of nature, common law, statute law, and Concordats. The first and most essential of these rights is that of maintaining full communion with "the Pope, who is by divine institution the foundation (*Fundament*) and supreme pastor of the Church." The second is the absolute independence of the bishops of all authority except that of the Pope. And then we are told that the three great duties of bishops, which are inalienable from their sacred office, are to proclaim and guard the Catholic doctrine, to select, educate, and commission their clergy, and to suspend and excommunicate all obstinate offenders; all these rights and duties the new laws "violate and annihilate." First comes a complaint of the claim of the State to interfere with clerical appointments, though only on civil and political grounds, and though such a claim is admitted to exist and to be allowed in other countries. On this it is enough to observe here that any priest may be ordained and open a church if he or the bishop can build or get it built themselves; but if he is to hold an endowed benefice, the State claims a veto on the appointment. The bishops soon pass on, however, to what was sure to be the main topic of their jeremiade; for it touches most closely on their moral influence and the whole tone and spirit of the future clergy of Germany—we mean the laws on clerical education. Here again they begin by appealing, not exactly to the laws of nature, but to the precedent of eighteen centuries, forgetting apparently what is admitted in their very next paragraph, that the separate system of seminary training which they are anxious to preserve at all hazards is at most barely three centuries old, having been first established—to meet a special emergency—by the Council of Trent. Nor is it easy to understand, except indeed in connexion with the infallibilist controversy—for there is hardly a Theological Faculty in Germany that has not protested against the new dogma—their vehement dislike to the University education of their clergy, which has been the general rule hitherto in many German dioceses. Still less intelligible is their objection to the clerical students being subjected "not only to a matriculation examination, but to a final examination at the close of the three years' course," which, by the by, they are quite wrong in saying is not required of any other class. There are various civil offices in Germany for which the State insists on a University degree. Complaints are sometimes made of the rigour of many English bishops in refusing to ordain candidates who have not taken their B.A. degree. What would be thought of their insisting on the rule that residence at Oxford or Cambridge could only be permitted to candidates for orders on condition that they never entered the final schools? Yet this is what the German bishops claim as a sacred right—again, we presume, from their knowledge that nearly all the professors, secular or theological, are anti-infallibilists. The objection to the closing of the seminaries or clerical colleges at the Universities is less obviously unreasonable. But it must be remembered that these establishments are supported by the State,

and if the bishops choose to found and endow colleges of their own, there is nothing to prevent their doing so; still less is any restriction placed on such theological training as they may like to bestow on their students after the general University course is completed. Whether the boys' colleges, which are also to be closed, are State establishments we are not aware; but there can be little doubt that the separate training of students intended for the priesthood from early childhood is a mischievous and irrational system. No doubt the real ground of the extreme soreness of the bishops is revealed in the paragraph where they speak of "what people are fond of calling"—and, we must add, rightly calling—"the Ultramontane spirit dominant among the clergy," which the present method of education is carefully calculated to foster. And this feeling is still more unmistakably betrayed in their comments on the restraint put by the new laws on the infliction of ecclesiastical penalties.

It may seem strange at first sight that Christian bishops should put in the forefront of the most sacred rights and duties of their office the right of depriving, suspending, and excommunicating all who resist their authority. But this is of course to be explained by the crusade at present being waged by some of them against the Old Catholics. We say advisedly by some of them, for it is well known—and probably to no one better than to the Imperial Chancellor—that in this matter there is no unity of opinion or practice among them. It is true that nearly all the German and Austrian bishops have promulgated the Vatican decrees, but in many cases this amounts to no more than announcing publicly the fact that the Council has assembled and that certain decrees have been issued, without professing or attempting to insist on the acceptance of the new doctrines. This course has been pursued, for instance, by Cardinal Rauscher and Cardinal Schwarzenberg, and the latter prelate still maintains the most friendly relations with Schulte, Professor of Canon Law in his cathedral city, who presided both in 1871 and 1872 at the Old Catholic Congress, and who continues as heretofore to frequent the regular worship and sacraments of the Church. Take again the case of Bishop Hefe, who himself made a formal submission under strong pressure, but who has so little attempted to enforce the dogmas in his diocese that he has never asked for the adhesion of Dr. Kuhn, the first dogmatic theologian of Catholic Germany, and the rest of the Theological Faculty of Tübingen, who are known to be anti-infallibilists to a man. Not long ago one of them was offered a chair at Rome, and declined it on the ground that he would be excommunicated if he went there by the Archbishop of Cologne, who is now one of the few thoroughgoing infallibilists among the German bishops. Another eminent and learned bishop, who has made a formal submission, nevertheless tells every one that the present difficulties in the Church must be settled by drawing a broad line between the doctrines ruled before the division of East and West, which all Catholics are agreed upon, and those defined since; and this is precisely the contention of the Old Catholics. If we turn for a moment to France, Bishop Dupanloup, who, as it has been said, "has made not simply a submission, but a prostration," to the decrees of the Council, is well known to make no scruple whatever of administering the sacraments to professed recalcitrants. It was indeed publicly affirmed by several speakers at the Cologne Congress last autumn that no difficulty whatever was generally made about admitting Old Catholics to the sacraments. At Munich, where the movement first took shape through the suicidal indiscretion of the Archbishop in giving it the most influential leader that could have been found in Catholic Germany, or in the Catholic Church anywhere, all interrogatories in the confessional were dropped directly an Old Catholic church was opened to receive the dissidents. On the whole it may well be doubted whether the excommunicating zeal of the protesting bishops is to be taken seriously as regards a good many of them; and this doubt is increased when we find them gravely complaining of the prohibition to publish their sentences from the pulpit as hindering "the main end of excommunication," for such publication was already forbidden by the existing law of libel. But we have no doubt at all that they are quite in earnest in their protest against the legal protection henceforth secured to the clergy against their own arbitrary authority, and as little that they are wrong in assuming that "the whole Catholic clergy of Germany will feel no sort of gratitude to the authors of this law." Those who are best acquainted with the German clergy tell a very different tale, though it is of course very possible, under the crushing pressure of discipline, that many of them may be induced to sign petitions against it. And when it is remembered—to quote but one instance—that a priest was deprived of his cure not many years ago for expressing disbelief in the genuineness of the Holy Coat of Trèves, we shall be able to appreciate the value of the bishops' assertion of their extreme "love and gentleness" in their "very rare" exercise of penal discipline. They wind up with a solemn assurance, which may be taken for what it is worth, of their resolve never to acknowledge the new tribunal for ecclesiastical affairs now to be established, and to defend to the last "the very least of their ecclesiastical rights." And then follows a broad hint of the resistance of "the many millions of Prussian Catholics," who have, however, themselves as yet maintained a significant silence on the subject, and an assurance that it is a moral impossibility for any Catholic bishop to obey these laws, "the forcible execution of which will bring untold misery on our Catholic people and our beloved Fatherland." Certainly, as one of the speakers said the other day at the Cologne Congress, "the ecclesiastical question has become the chief and most burning

question of the day, even in a political point of view," in Germany, as also in Switzerland. It is clear that the Old Catholic movement on the one hand and Ultramontane intrigues on the other are rapidly bringing matters to a crisis. And if there is any truth in the report, which is not improbable in itself, though we do not vouch for its correctness, that Prince Bismarck contemplates appointing Reinkens, or one of the other leaders of the movement, to the next vacant bishopric, the real strength of the rival parties in the Roman Catholic Church will soon be rudely tested. The ultimate result must depend largely on the attitude of the Catholic laity, and there is every reason to believe that the great body of them are on the side of the Government.

COALS, COLD, AND CLIMATES.

ALTHOUGH our climate can scarcely be called a genial one, perhaps on the whole we suffer less from cold than some of our neighbours who live to the south of us. It is our way to talk of sunny Italy, and sunny enough it is in the sunny season. But those who have tried wintering in an Italian summer resort generally pick up some new ideas as to the atmospheric conditions of the country. The cold may never be so intense as in England, although we should be very sorry to assert as much; but then the usual means of protecting yourself from cold are lamentably inadequate. The best houses, with their best rooms facing to the north and east, are carefully constructed so as to escape every ray of sun; under the arched galleries outside your windows you obtain the temperature of an icehouse, with the flavour of a family vault; none of the numberless windows shut, and all the innumerable doors fly open; your romantic villa becomes a palace of the bitterest winds; probably there is but a solitary fireplace in your ample suite of apartments; the only fuel is wood, sold by the pound; you heap all your spare wardrobe on your bed of a night, and, if you are wise, you never stir in your corridors without carrying a charcoal hand-stove for company. You speedily discover that the lungs of the invalid of your party are by no means receiving the soothing treatment which the doctors recommended, while even the comfort of the robust is so seriously compromised that in all probability you decide to make a premature flitting. But if you are miserable in spite of your hardy English training and your stores of English woollen garments, what must be the lot of the unlucky peasants who live higher up the hills? For about nine months in the year they are used to bask about upon their glowing slopes like their own lizards. Their dress as a rule is about as light and scanty as a citizen's of Timbuctoo, and you may be sure they have few spare suits. They go as ragged as the thatch of their huts, and the openings which in their dwellings do duty for windows stand absolutely exposed to the air, or are closed with warped and cracked shutters. They cannot burn their olives or almond trees, and the neighbouring copses are strictly protected by the guards of the proprietors or of the village authorities. It is easy to read their wretchedness in their pinched faces; they limp down to the market and home again, crumpled up like half-frozen partridges. But if the sufferings of these Italians are sore, they are more tolerable than those which must often be endured in Spain. In mountainous Italy the huts have usually shelter from some quarter, while fuel of some kind is obtainable in certain quantities. On some of the lofty plateaux of central Spain there can be positively no shelter at all, and the winds iced in the distant sierras may blow and bite as they list. These plains are cultivated, so there is a tolerably numerous population, and, being cultivated, trees and shrubs and every sort of covert have been scrupulously cut down and grubbed up according to the practice of Spanish high farming. They are seldom visited by strangers in the winter; indeed, they have small attractions at any time, and it must remain a mystery how their inhabitants contrive to keep their blood circulating at all, or to find the means of setting the contents of their pipkins simmering. What we know is that the cold there must be much more severe than at Madrid, and at Madrid the warmly clad sentries before the palace gates have been found of a morning frozen to death in their watch-boxes. We believe that happily no class in England has to support such sustained suffering as those unlucky denizens of Southern climes, for even our tramps and our beggars may occasionally thaw themselves in the close warmth of our casual wards. Nor, on the other hand, are such appalling visitations conceivable with us as the storm that recently swept down on Minnesota. We do occasionally hear of wayfarers who have sunk down and slept their last sleep in a snowstorm; of shepherds smothered with their flocks in the drifts of the Northern and Western hills. This season the ordinary number of accidents of the sort has been multiplied, owing chiefly perhaps to the almost unprecedented suddenness of the change in the weather. But, capricious as our weather is, its capacity for surprising us is limited, nor is it physically possible that we should be the victims of such atmospheric phenomena as produced the catastrophe of last month in Minnesota. It is only in a new and sparsely settled prairie country, driven by storms from the boundless ice and snow fields of the North, that we can imagine the simultaneous destruction of almost all the people who chanced to be abroad and about their business in a district that was perfectly familiar to them.

We suffer, or we have suffered hitherto, less from cold than some of our neighbours, because, never knowing how long

our winter may last, we are in the habit of providing ourselves against the worst. Our clothing, our architecture, and we may add, our diet, reflect the characteristics of an inclement climate. All who can afford it wear warm clothes; our working-men dress in substantial fustian and moleskin; our field labourers make an effort to clothe themselves suitably to their occupations; they wear friezes down in the damp of the Irish bogs, and wrap themselves in heavy plaids up among the mists of the Scottish hills. Dress descends through society, after serving its original owners; and if our beggars are in tatters and rags, the rags are generally thick ones. Our dwellings, cheaply as they may be constructed, and unscientifically as they may be planned, are at least primarily designed for purposes of warmth. Whether or not gluttony be one of the national vices, as our enemies say it is, we all live as well as we can afford; while as for drinking, we may appeal to Sir Wilfrid Lawson as to the facilities afforded in that respect. The towns and the country are covered in their length and breadth with hotels, inns, gin-palaces, beershops, whisky-shops, shebeen-houses—in short, with every sort of establishment providing every variety of stimulant that is supposed popularly, if erroneously, to generate caloric. Above all, the Providence that planted us in a damp and chilly climate seemed to have bestowed on us by way of compensation abundant supplies of fuel. In the highlands and the moorlands, where the drip of the ceaseless rain is only relieved by the whistle of the cold wind, the soaking soil was all combustible. If you could only manage to dry the turf in the occasional gleams of sunshine, you had the means of keeping up a roaring fire. Elsewhere, in the South and in the cities, where labour was better paid and the people were better off, coal was tolerably cheap. Paupers might shiver, of course, but that was only an inevitable item in the catalogue of sorrows that are the appropriate penalties imposed upon vice or poverty. The better-to-do classes, tradesmen in a small way of business, clerks, and comfortable working-men, rather looked forward to the chilly season with pleasure than otherwise. It set them up, and braced them for their business; they might grumble over the coal bill as they grumbled over the rates or the house-rent, but the one item was as much a matter of course as the others, and was calculated for by prudent people who carefully struck an annual balance between expenditure and income. On all these classes, prudent or imprudent, the coal prices of the present season must have come like a catastrophe. Peat there is little or none, because there has been no weather to dry it in, and we fear it would be very difficult to estimate the amount of suffering among persons hitherto unaccustomed to suffer. The pressure, as is always the case, is aggravated in an inverse ratio to the means of the sufferer. Not only are very poor people in no position to economize by watching the fluctuations of the market and making their purchases accordingly, but they are most unfairly mulcted when they buy retail, as they often must do. Dealers who charge four shillings and sixpence a sack to customers who purchase by the ton demand five shillings of the family that can only take a sack at a time, and no doubt prices increase proportionately for those who get their coal by the bushel. It is bad enough for any one in weather such as we have recently experienced to sit over a blank fireplace and weigh coals out by the ounce. But there are always degrees in suffering, and we shall not be suspected of under estimating the sorrows of the very poor if we say that they are less to be pitied than those who belong to the classes immediately above them. The majority of our working people, we fear, are not unused to periods of insolvency and short rations; they have learned the art of tiding them over, or at least of supporting them with a certain equanimity. To them privations are nothing new; neighbours struggle and help each other; they have often travelled the road to the pawnbroker; they are not above being assisted by the parish or by private charity. It is altogether another thing with a clerk or a curate who has a large family and a small income. Each shilling of that income is allotted to its purpose in advance, and what is to be done when he has to pay fifty shillings for the coals which he used to buy for twenty? We call fuel a necessary, and so in a sense it is; yet, necessary or superfluity, he must contrive somehow to retrench in it. Probably he lives in the isolation of a great city, and cannot arrange like the working-man to make up a party to huddle together over a single fire. The constitutions of city-bred families like his are peculiarly susceptible to sudden changes and privations. He has to choose between leaving those who are dearest to him exposed to chest complaints and consumption, enfeebled as they are by having to live poorly, and running himself into debt if there is any one to give him credit. The death returns have been lately rising at a rate which promises soon to bring up the mortality of the winter to an ordinary average, in spite of the reduction shown during months of extraordinarily mild weather. We should be glad to think that the effects of the present coincidence of dear coal with a low thermometer would not long outlast the unfortunate conjuncture. But we greatly fear it will leave its consequences behind in the shape of chronic complaints and clinging embarrassments.

It is difficult to write otherwise than dismally of a subject so essentially dismal. Yet it is not unreasonable to hope that we may learn some profitable lessons from the sharp crisis which we are passing through, now that the community has been fairly frightened and hurt. Hitherto we have been wasting our coal, and—what some people may think of more consequence—our hard-won money in the most unconscionable manner. Other nations which have to burn wood or turf, or to import all the coal they use, have had

recourse to all manner of economical contrivances. We are no admirers ourselves of foreign stoves, but there is no reason why we should have gone into the opposite extreme, and should combine the very minimum of warmth with the maximum of waste. It is absurd that families who look most carefully to sixpences in most things should arrange their fireplaces as if they desired to keep their chimneys warm and their rooms cold. Then, although posterity may have done nothing for us, with the patriotism we profess we might certainly consider posterity, especially when the consideration would not only cost us nothing, but would put a good deal of money in our pockets. It is strange that the simple improvements which have been tried so successfully in certain instances should not have been more universally adopted; and that the consumption of coal in our steamers and great manufacturing establishments should not have been reduced by an enormous percentage. Now that society, to say nothing of capital, is so much at the mercy of organized labour, it seems odd that it is only yesterday we should have heard for the first time of the coal-cutting machines which, as report assures us, are miracles of economy and efficiency. We are told that, although coal in the nature of things must ultimately come down, there is no immediate prospect of a material reduction. Were the existing suffering not so severe, we should be inclined to wish that it might be prolonged until it had thoroughly impressed us with the lessons that might prevent its recurrence.

POLICE MAGISTRATES.

A Committee of the House of Commons reported in 1838 that, looking at the circumstances under which the police magistrate had to perform his difficult and important duties, they did not think it consistent with justice or good policy that this should be among the worst paid of judicial appointments. They therefore recommended that the salary attached to the office should be raised to 1,200*l.*, in order to bring it up to something like a level with the emoluments of other legal appointments of similar rank. Sir Robert Peel, who is not supposed to have been unduly lavish of public money, and Mr. Joseph Hume, whose fanatical worship of economy has passed into a proverb, were members of the Committee, and concurred in the recommendation of an increase of salary, as well as in the expression of a general opinion that "Judges' salaries are of all others the least proper objects of rigid economy." Seventeen years passed before this recommendation was carried into effect; and the salaries of the police magistrates of London still remain at the point at which they were fixed in 1855, that is to say, 1,200*l.* a-year each, with an additional 300*l.* for the chief magistrate, who has special duties to perform in connexion with the Home Office. During this time other legal salaries have been gradually rising. The County Court judges, who may be ranked beside the police magistrates, although their duties are of a lighter and less anxious nature, now receive 1,500*l.* a-year. The income of the Chief Commissioner of Police, including allowances, is nearly 2,000*l.*, and the salaries of the rest of the staff of the police have also been increased in recent years. The police magistrates occasionally find it necessary to explain that they are not a branch of the police force, and perhaps they may have reason to regret it. Even the Receiver of Police has obtained an addition of 400*l.* a-year, and the constables did not fail to profit by their threatened strike. But the police magistrates are left exactly where they were eighteen years ago, except that their duties have been enormously augmented. Life, as Mr. Ayrton was good enough to explain to the House of Commons, grows more intricate and complex as population multiplies, and the cares and responsibilities of the magistrates naturally increase with the expansion of the metropolis. Last year they had to dispose of some hundred and thirty thousand cases; and the legislation of each Session is continually extending their jurisdiction, and adding to their perplexities. The Education Act has created an entirely novel class of offences, and the Licensing Act would almost seem to require a special body of police and a special staff of magistrates to do justice to its peculiarities. Ordinary petty larceny cases have become the least part of the magistrate's work. Important commercial cases, important cases under the Masters and Servants Act, grave questions affecting the public health, all go before the police-court. Moreover, the magistrate is expected not only to administer the law, but to play the part of confidant and counsellor to the world at large. Everybody who finds himself in a little difficulty and cannot at the moment think of anybody else to consult takes the liberty of popping in upon the police magistrate and asking his advice in a friendly way. He sits like the Kadi in the gate, and every passer-by may have a word with him. The reports in the newspapers, which are necessarily confined to a few remarkable and important cases, give a very faint idea of the number and variety of applications on all sorts of subjects which are daily addressed to the sitting magistrates. Looking at the composition of the Committee of 1838, it may be assumed that their estimate of what was then a fair salary for a competent magistrate was by no means excessive; and if 1,200*l.* was the proper figure in 1838, it must be very much indeed below the proper figure in 1873. On the one hand, prices have risen and money is of less value than it used to be; on the other hand, the duties of the magistrates are much heavier and more important, and entail both more fatigue and more responsibility than formerly. Mr. Norton in a very temperate and judicious letter to the *Times* has proposed that the salaries of the police

magistrates should be placed on an equality with those of the County Court judges, and this appeal is surely too reasonable to be resisted.

We do not care to follow Mr. Norton in his calculations as to the balance between the expenses of the police-courts and the returns in the shape of fines. The question is, not how much the public can afford to pay, but how much it is necessary that it should pay, in order to secure the services of competent and trustworthy judges. It may be said that there is no reason to raise the salaries of the police magistrates, inasmuch as there is always plenty of candidates for the office at the present rate of remuneration. Of course it is notorious that the Bar is just now sadly overstocked. Every year several hundred young men are added to the profession, and though the legal business of the country increases, it does not keep pace with the multitude of counsellors who are waiting for business. If all judicial appointments were to be given to those who would take them at the lowest salary, a considerable saving might probably be effected, but the economy would be more apparent than real. Besides, if this principle is good for anything, it is applicable to all branches of the public service. There are hundreds of gentlemen who would be delighted to discharge the duties of the Chancellor of the Exchequer without any salary whatever. The question is, what is a fair and reasonable price to pay for the services of a competent lawyer who has to give his whole time to his work? A police magistrate need not perhaps be a very profound or subtle lawyer. He may be deficient in some of the qualities which secure success at the Bar. He may not be a glib orator, or a dexterous pleader. He must, however, be a sound lawyer, within certain limits; there is a considerable body of law with which he ought to be familiar; and he should also have had some experience in actual practice. Nor is it enough that he should be a tolerable lawyer; he should be something more than a lawyer. He should be, if possible, a man of the world, with strong common sense, and some knowledge of human nature. It will be seen from this statement of the qualifications for the office that the magistrates should be chosen from the middle ranks of the profession, from those who have shown that they have some stuff in them, although they may not have been successful in gaining a large practice; and there can be no difficulty in determining what, looking at the average of professional incomes, would be a fair salary to offer to a man of this stamp. It should certainly not be less than 1,500*l.*, or, at least, if it began at 1,200*l.*, it should quickly rise to the former sum, with a prospect at the end of so many years of service of rising above it. It would be a great improvement if one or more of the senior magistrates were constituted into a chief court, to which all very important or difficult cases could be transferred. The daily routine work of each court is already quite enough for the sitting magistrates, and when a very long or difficult case occurs, it either throws all the other business into confusion, or has to be heard in snatches, with repeated postponements. What would have happened if the Claimant had been taken before a police magistrate? A chief court would help to simplify the arrangements of the police, as well as the work of the magistracy.

London is the greatest and richest city in the world, and, as its existence becomes more multitudinous and complicated, it necessarily requires more careful regulation; and this regulation devolves to a great extent on the police magistrates. The police are guided by their decisions, and they help to give tone to public opinion. Very few people except lawyers and their clients trouble themselves about the doings of the superior courts, but everybody reads the police reports. It is of the utmost importance that the magistrates should be strong men, with confidence in themselves, and not afraid to do their duty even in an unpopular way and in the face of public clamour. It is impossible to exaggerate the amount of mischief which one or two weak magistrates might do in a time of popular excitement; and those who have observed the symptoms of social and political life in the metropolis, and the dangerous drift of certain habits and practices, will understand that there may be difficulties in the future which will require the firmest handling. On every ground it is desirable that everything should be done to get the best men that can be obtained for an office of so much responsibility. It has always seemed to us that something more than a mere increase of salary is required in order to do justice to the position of the police magistrates. It would be well if something were done to make the administration of justice in the police-courts a little more dignified—we had almost written more decent. As a rule, the magistrate is at present shut up in a small, dingy, dirty, foul-smelling court, the atmosphere of which is enough to poison a dog. The whole place has a shabby, sordid, huddled look. The magistrate wears no robes; but there is an usher in a rusty gown, and one or two policemen as a bodyguard. And in this packed, stifling den public justice is administered. A philosophic mind can grasp the idea of a Lord Mayor apart from his furred mantle and golden chain, but the world is not exclusively composed of philosophers, and some vanities are not altogether vain. We do not know that it matters very much whether a magistrate sits in plain clothes like any other elderly gentleman, or whether he wears a wig and gown; but if it is thought worth while to make the judges in the higher courts look impressive by artificial means, there is at least as much reason for doing the same thing in the lower courts. However that may be, the magistrate should at least have a decent court

to sit in, and a reasonable supply of fresh air. Mr. Norton has referred in his letter to the *Times* to one of the great deficiencies of the police-courts—the want of a respectable and competent Bar to assist the judge. The character of the Bar usually depends in some degree on the scale of fees, and the sort of people who make their appearance in the police-courts can seldom afford to spend much in this way. This difficulty, we suppose, will always exist; but the unpleasantness and degradation of having to enter such a dirty, poisonous hole as the ordinary police-court have also their effect in driving away respectable practitioners. Judge, lawyers, witnesses, prisoner, policemen, and the general public, are all huddled up together like cattle in a railway truck. At one of the courts not long ago a prisoner took it into his head to make a dash at some papers which had been produced in evidence against him, and which were lying on the table, and instantly there was a free fight all over the place, and the magistrate had to seek safety, or at least dignity, in flight. It is disgraceful that the accommodation of a police-court should be so inadequate as to admit of such a scene being possible. We can only repeat the observation of the Committee of 1838, that the public interest is always badly promoted by any saving which injuriously affects the public service, and judicial expenses are, of all others, the least proper objects of rigid economy.

FREE LIBRARY CATALOGUES.

WE have received from the Librarian of the Liverpool Free Public Library, Mr. Samuel Huggins, a copy of the Catalogue recently compiled by him of the collection of books under his control. We were not surprised to find it arranged on a plan new to us, though Mr. Huggins states in his preface that the merit of its "general principle of distribution" belongs not to him, but to an American librarian, Mr. C. C. Jewett of Boston. For it is precisely one of the miseries of readers whom circumstances of one kind or another compel to use different libraries, that there are hardly two catalogues in existence arranged on exactly the same plan, and that while old catalogues are generally comparatively useless, the use of new catalogues requires at the outset the mastering of the new "principles" on which they have been drawn up. We may, for instance, picture to ourselves a student residing in some place half-way between Liverpool and Manchester, and dependent for reference to books upon the Free Libraries of these two cities. Both are doubtless excellent of their kind, and are institutions of which the two communities are justly proud; but their stores of books are accessible through the catalogues of two librarians who have very different schemes, of the supreme excellence of which they are respectively equally satisfied. If Mr. Crestadoro of Manchester, whose Free Library Catalogue has a more than local celebrity, is in the right, Mr. Huggins of Liverpool must be to some extent in the wrong. If Mr. Huggins has discovered the true thread through his labyrinth, Mr. Crestadoro must have been leading his readers a way which is not the shortest through his. And possibly the shortest way may not always be the best; for while students use libraries, it is one of the objects of libraries, and of those for popular use above all, to make students; and not even a librarian can point a royal road to knowledge.

It is a very old question which thus incidentally crops up once more, and which, as institutions of this kind increase, must necessarily from time to time crop up again. We have not the slightest intention, however, of reviving the Battle of the Books which was fought in a Committee-room of the House of Commons by such heroes as the late Mr. Hallam and Lord Stanhope and Sir A. Panizzi. The Catalogues of the British Museum Library and of similar giant collections shall be sacred from our touch; but it may not be out of season to venture a few hints on the management of libraries of a humbler size and of less national significance. There is so little in most of our provincial towns to leaven the lump of devotion to merely material interests that it is hardly possible to overrate the importance of such institutions as libraries open under the necessary conditions to general popular use. Between the class which is content with Mr. Mudie's books of the season and that which delights in *Reynolds's Newspaper* there is a growing multitude requiring the means of study which Free Libraries and similar institutions can alone supply. What books to buy for this public is the first question; the second is, in what way to enable them to find the books they need. Lenglet du Fresnoy is said to have made a calculation that nobody could read more than nine hundred folio volumes in a lifetime. An ingenious American bibliographer, to whom we owe the quotation, concludes that, roughly speaking, the same scale would allow every mortal man a choice of either 2,700 quartos, 8,000 octavos, or about 16,000 duodecimos, during his earthly course. He and another enterprising American, the well-known publisher Mr. Putnam, accordingly prepared a short list of books worth reading, in which they marked with an *a* the cheap books and with a *b* the more expensive books, and under the important head of Novels distinguished by an asterisk, single or double, the relative excellence (as established by the best recent criticism) of the several works. Thus Goethe furnishes * *Elective Affinities* and the *Sorrows of Werther* and ** *Wilhelm Meister*; in Smollett *Roderick Random* has * and *Peregrine Pickle* ** attached to his naughty name; of Bret Harte you ought to read * the *Condensed Novels*, but you certainly ought to read ** the *Luck of Roaring Camp*; and you may be relieved to know that, while ** the *Minister's Wooing* calls for

an immediate application, you may make yourself comparatively easy about obtaining the same gifted authoress's * *Pink and White Tyranny*. It is not, however, such guidance as this that is required from the officers of the freest of Free Libraries, any more than that which we once heard a bookseller offer to a customer and a novice, to whose demand for "a book" the ready-witted Sosius on the spot recommended *Robinson Crusoe*. This, by the by, was in defiance of the advice of Mr. Fred. B. Perkins, one of the authors of the above-mentioned American Book-guide, who is of opinion that in forming the foundation of a private library it will be upon the whole safe to procure books in the following order:—1. The Bible. 2. Webster's Dictionary (the Pictorial unabridged, if possible; if not, the largest edition you can afford). 3. Shakspeare, &c. Heine, we remember, gladdened the heart of a minor poet who hoped the author of the *Book of Songs* would read his humble friend's offering of verse, by saying that he proposed to retire to the island of Heligoland, with nothing but the volume in question, the Scriptures, and Tacitus. But libraries cannot proceed on such principles of condensation.

It is usually assumed that when a library has been formed nothing is required but to furnish a list in which any reader desirous of finding a book can with the smallest expenditure of time and trouble find it accordingly. Assuming for the moment such to be the case, the best kind of catalogue would be the alphabetical, which gives the author's name where a book bears an author's name, and, where it is anonymous, gives the title. But, simple as this may seem, every reader knows that nothing is more perplexing than the search for a book by its title. In his instructive *Memoirs of Libraries* Mr. Edwards recalls the famous tradition of Sir Boyle Roche's motion in the Irish House of Commons, "that in future all anonymous books should bear the authors' names upon their title-pages." Pending the adoption of such a law, the difficulty of cataloguing anonymous books is all but insuperable. Mr. Edwards gives some excellent examples of titles from which it would puzzle most experienced librarians to select a catchword. We fully agree with the conclusion at which he arrives, that it is an "indispensable condition of a good catalogue, on any plan of alphabetical arrangement, that it should keep entirely distinct the names of authors and the headings which may be chosen for the titles of anonymous works." Mr. Huggins, in his Liverpool Catalogue, goes some way towards this rule by printing the names of authors in a different type from that in which he prints the titles of books, anonymous or otherwise.

But the more important question remains behind. The ordinary reader comes to a public library to find a particular book; if he cannot find it, or finds it "out," he thereupon goes empty away. The better instructed reader, who reads with a purpose, would like to obtain the next best substitute; but he is perhaps ignorant of the name of any second authority, and has at best to depend upon the courtesy of a frequently overbusy officer. His alphabetical catalogue has merely pointed him to the shelf on which the desired book is not reposing; and even if he is lucky in his demand, he has obtained nothing beyond the one book which he for the moment desired. In a classified catalogue, on the other hand, he has, if not the opportunity of finding another book which may serve his purpose equally well, at all events that of seeing what the library can offer on, or in connexion with, the subject in which he is interested; while, which is of the utmost importance, the librarian himself by the same means becomes more easily acquainted with the resources and the defects of the collections under his control.

To classified catalogues two kinds of objections are usually made. One is, that readers will not use them. To this it has only to be answered, that every library should possess both an alphabetical and a classified catalogue, so that the reader may take his choice. The former should be as short and concise, the latter as full and explicit as possible; for it is the latter which, though indolence will prefer the former, will be of the most real use to those who will avail themselves of it. This applies more emphatically to the libraries of colleges and schools, but even in libraries for general popular use it is possible gradually to educate the public for its own advantage. The second objection lies in the difficulty of establishing a system of classification which shall be at once logical, complete, and easy for reference. Mr. Edwards, *e.g.*, enumerates not less than nineteen principal systems, to which he adds one of his own. We have before us a number of catalogues of the classified kind ranging through a wide variety of methods, out of which it would be a task of no small difficulty to select that which seems most fully to meet the necessary demands. That, however, a system of classification equal to the purposes of a library of all but the very largest dimensions can be devised, we have convinced ourselves in practice as well as in theory. The danger lies in attempting too much. The Catalogue of the St. Louis Public School Library, *e.g.*, divides the literature of the world into books on Science, Art, and History. Science again is subdivided into Social and Political Sciences on the one hand, and Natural Sciences and Useful Arts on the other. The former heading comprises Jurisprudence, Politics, Social Science, and Philology. Social Science is bisected into Political Economy and Education. Education comprises five classes of books; and of these classes, one is that of Elementary Text Books, which are again of eight kinds. The first of these is that of "Primers and Spellers"; so that the St. Louis matron who wishes to get at a particular spelling-book has to go through six stages of classification before she reaches the desired end. Now, even admitting the principles of this classification to be sound, their application is evidently preposterous.

The degree of minuteness of the classification ought to be adjusted to the character of the library and of its presumable readers. In a Free Public Library it need not seek the precision which may be more nearly approached in that of a college or library for a more select class. But it is not difficult to find a mean between the exactness of a German University Lecture-list and the looseness of a good foreign bookseller's classified catalogue. It will certainly necessitate some hard thinking on the part of the librarian, some additional trouble on the part of his assistants, and some little mental labour on the part of the reader. But in no case will the effort be thrown away. The objection is futile, that when a classification has been made, it is impossible to bring all books decisively under this or that class. Everybody knows the meaning and the use of cross references, a free use of which is only objectionable where a catalogue is in several volumes.

We are so thoroughly convinced that a classified catalogue, together with a brief alphabetical catalogue of authors, and another of the titles of anonymous works, is desirable in every library of moderate dimensions, such, *e.g.*, as the Liverpool Free Library, that we find it difficult to examine with patience an attempt to remain satisfied with less. Yet Mr. Huggins has probably spent far more time and labour in the production of his own Catalogue than he would in that of two catalogues of the kinds indicated. He has sought to combine an alphabetical list of authors and anonymous titles with an arrangement of books belonging to one subject under that subject in alphabetical sequence. But he does not arrange his subjects according to the entire science or art to which they belong—"the Honey Bee," *e.g.*, as he says, comes neither under "Natural History," "Zoology," nor "Entomology," but under "Bees"—or, in the case of historical subjects, according to the country to which they refer; *e.g.*, "History of England under the Stuarts" will come, not under "England," but under "Stuarts, House of." Poetry, Painting, and certain other subjects form separate groups, which are subdivided, while numerous cross references are supplied. But there is no index of these subdivisions so far as we can see. Again, Poems are subdivided under various heads if they are English; but if they are foreign, they must be sought for each under its own title. These seem, in part, more or less arbitrary principles; but the proof of a catalogue is in the use thereof; and it may be that Mr. Huggins understands the measure of classification upon which he can venture at Liverpool better than we do. To us his Catalogue seems a very uncertain step, not precisely in the right direction, but at all events praiseworthy, if for no other reason, for the consciousness which it betokens of the insufficiency of the alphabetic principle. An earlier attempt of a half-way description has already undergone the test of several years. The Catalogue of the Manchester Free Library (Reference Department), which has been in approved use since the year 1864, is excellent of its kind; its principle being that of giving, first as "Principal Entries" the full titles of the books, according to the alphabetical sequence of their author's names, and then an alphabetical list of so-called "Subject-matter Entries," expressed in short titles, and consisting of the author's name, the subject, and the imprint of the book, concluding with the number referring to the corresponding principal entry of the same book; as thus:—

United States. Democracy. Tocqueville. 4 vols. Lond. 1840. 8vo. 23717.
Prayers. S. Johnson. Lond. 1796. 8vo. 12829.

The system is the most convenient that could be devised for readers who know what book they want or on what "subject" they require information; and it has, we believe, proved as successful at Manchester as, according to Mr. Crestodoro, the so-called "British Catalogue," compiled on the same principle, did from the first in the reading-room of the British Museum. Still we cannot abandon our contention that the use of a classified catalogue must bring with it in the long run advantages not to be secured by any other means; and that, wherever the use of a library is designed to help to educate its public *ambulando*, the introduction of such a catalogue cannot be dispensed with. Nor, though we have promised to abstain from any remarks on libraries of still greater size than these admirable Free Libraries, can we suppress our conviction that there are large libraries where the absence of a classified catalogue is a matter beyond all doubt to be regretted. University Libraries at least, if they cannot classify their old possessions, should classify their new acquisitions, after the fashion in which the librarian of the University of Göttingen (thereby rendering a service to all historical students) classifies the historical literature of every year. To know what is not in a library is often next best to knowing what is in it. The time may come when there will be a general English interest in, and perhaps an English word for, *Bibliothekswissenschaft*.

THE COMMITTEE ON THE ENDOWED SCHOOLS ACT.

THE Government have decided to refer the operation of the Endowed Schools Act of 1869 to a Select Committee of the House of Commons. The advantages of this course are sufficiently obvious. The wheels of the Commission have begun to drive heavily. There is a great deal of ignorance on the subject of secondary education which has still to be enlightened, and a great deal of prejudice which has still to be overcome or borne down. The principles on which the Act is founded stand in need of frequent re-statement if they are to maintain even that degree of popular

acceptance which they enjoyed in the first instance. There are many persons probably who, while heartily approving of the Report of the Schools Inquiry Commission, have nevertheless been startled by the application of the doctrines laid down in it to their own neighbourhood. They see the positive good that a particular endowment does; they see that to reconstitute it implies the displacement of men whom they know and respect; they are offended possibly by what looks like neglect of their suggestions on the part of the Commissioners. If they had as clear a grasp of the principles upon which successful organization must proceed as they had when they first studied the question, they might see that the drawbacks which now seem so serious are but the inevitable accompaniments of any large measure of reform. The appointment of a Select Committee may have the effect of reviving these older and more comprehensive views. Doubters may realize once more how impossible it is to reorganize educational endowments upon any considerable scale without sometimes bearing a little hardly upon particular foundations. Even a faulty system can be so administered as to produce many useful results, and where this is the case the substitution of a better system will seem like an unfair reflection on those who have worked to such excellent purpose. This view leaves out of sight the far larger number of instances in which the faulty system has produced nothing but mischief, and the probability that these exceptional persons who have brought good out of evil would have brought still greater good out of good. It is only by a large comparison of cases that this fact can become impressed on that section of the public which is interested in secondary education. At the time when the Endowed Schools Act was passed the Report of the Schools Inquiry Commission had recently furnished the material for such comparison, and the Report of the Committee and the evidence which will be given before them will yield a fresh supply of the same kind. The result of such a provision will be seen, it may be hoped, in a renewed interest in the development of secondary education, together with a more intelligent appreciation of the measures which are needed to ensure its improvement and extension.

A second reason for referring the whole question to a Select Committee is the doubt that exists in many quarters whether the Commissioners have not interpreted their duties under the Act in too narrow a spirit. Suspicions of this sort are constantly found associated with a very hearty desire to carry out the purposes of the statute. It is not the enemies of the Commission who entertain these doubts so much as their friends. The Commissioners have naturally been led, in the course of their work, to lay down certain general rules by which they intend to guide themselves in the administration of educational endowments. There are some who think that these rules have been framed in too rigid a spirit, and without sufficient allowance for the peculiar circumstances of individual cases. There are others, again, who think that the rules, though sound in themselves, have been adhered to in a too mechanical temper. Either way the result, it is said, has been that dangerous hostility has been needlessly provoked, while valuable aid has been needlessly rejected. According to this view, the Commissioners have not shown themselves sufficiently alive to the importance of securing local co-operation. They have sometimes forgotten that a scheme has not only to be made, but to be worked, and that in this aspect the most ideally perfect organization may not be the best suited to the persons who have to administer it. It is possible of course that these mistakes, supposing them really to have been made, are attributable not to the voluntary action of the Commissioners, but to the directions given them in the Act. No doubt the duty of a Commission of this character is to carry out the purpose of the Legislature, not to substitute for that purpose another which they think to be preferable. Into the points thus raised it will be the business of the Committee to inquire. They will review the intentions of the Act and the proceedings of the Commissioners in executing it. If they think that experience has shown the former to require modification, they will state the reasons which have led them to this conclusion, and the benefits which may be expected to follow from frankly recognizing it. If, on the other hand, they think that it is the Commissioners rather than the law, that are in fault, they will point out instances in which a less rigid adherence to the letter of the statute would have enabled them to carry out its substance with greater success. Some ambiguities there certainly are in the Act, and to these, as a matter of course, the Committee will call the attention of Parliament. Some points there are again upon which subsequent legislation has thrown fresh light, and these the Committee will naturally reconsider with the additional experience thus afforded them. It will be a further duty to examine whether the Commission ought to be reappointed; whether, after the year has come to an end, its work ought to be transferred to the Education Department; whether a division of endowments may be effected, and the larger ones be left in the hands of the Commission, while the smaller ones—as concerned with schools little, if at all, above the rank of elementary schools—are reclaimed by the Government. In connexion with this part of the inquiry the Committee will perhaps deal with Mr. Leatham's proposal to make at least one Dissenter an *ex officio* member of the Commission; unless indeed the House of Commons has already disposed of a motion so strangely at variance with the received theories of Liberalism on educational subjects.

To ensure that the Report of the Committee shall be thorough and exhaustive upon all these matters, it is of great moment that the inquiry itself should be proportionately comprehensive in its scope and area. The Committee ought, for example, to go minutely into

all the more important instances in which the proposals of the Commission have been rejected by the trustees and other administrators of the endowment to which they relate. At what stage of the negotiation did the difficulty arise? Did it apply to the whole scheme, or only to some one part of it? Was the part to which it did apply an essential or only a subordinate feature of the scheme? Was there any alternative proposal which the trustees would have accepted? If there was such an alternative, what reasons did the Commissioners give for not substituting it for their own proposal? Ample means of answering all these questions must exist in the correspondence which has taken place between the Commissioners and the trustees, and in the recollection and memoranda of the trustees and the Assistant Commissioner through whom the negotiation was in the first instance carried on. If this field is properly worked, the Committee will know the causes of the failure in each case, and will consequently be in a position to pronounce with reasonable confidence whether these miscarriages could have been avoided, or whether they must be accepted as part of that inevitable percentage of failure which must be allowed for in all calculations which have human beings for their subject-matter. There will be no need of course to extend this sort of investigation to every scheme which has encountered a successful resistance. A typical selection may be made without much difficulty. It is important, however, for the Committee to bear in mind that only a small part of their work will have been done when they have heard the Commissioners tell their own story, or enumerate the instances in which reorganization has gone on without let or hindrance. It is to the other side of the shield that the largest part of their attention should be turned.

AUTHOR AND CRITIC.

AN action by Mr. Charles Reade against the proprietors of the *Morning Advertiser* for libel has ended in a verdict for 200*l.* damages. Mr. Reade complained of a notice of the play which he founded upon Mr. Trollope's novel *Ralph the Heir*, without, it should be said, Mr. Trollope's knowledge or consent. This play was produced under the name of *Shilly Shally* at the Gaiety Theatre on Easter Monday last, and the alleged libel occurred among the descriptions of Easter amusements which appeared in the defendants' newspaper the next day. There was one passage of the play on which the critic particularly remarked, and some general comments which he made were probably suggested by this passage, and must be tried by the same test as the particular remarks. We understand Mr. Reade's case to be, that he used the words complained of innocently in their ordinary meaning, and that he is not responsible for any interpretation which may have been placed upon them by persons of impure mind. It is possible that this may be so, but if neither Mr. Reade nor the manager was aware before the performance that any words in the play were liable to misconstruction, they could hardly have remained in the same happy ignorance after the first night. The verdict of the jury must, we suppose, be taken to indicate their opinion that there was no shadow of foundation for the complaint, and we can only say that, if that be so, we are much surprised. There appears to be no question that words were spoken by Mr. Toole in the character of Neeff which the critic partly quotes. He says that he forbears "for decency's sake" to quote the whole, and this reticence was perhaps considered by Mr. Reade more offensive than anything actually uttered. Yet we believe that the critic would carry with him the approval of the majority of playgoers. Suppose that you were reading the scene to which the words belong to a circle of friends, including ladies, would you speak the words or leave them out? We say again that it is perfectly possible that Mr. Reade or anybody else might use them innocently, but we say also that a person accustomed to prepare carefully for dramatic reading would be likely to notice and avoid them. Some of us perhaps remember the Adelphi Theatre in very old days. The words spoken by Mr. Toole bear a strong, but perhaps accidental, resemblance to the sort of thing that used to be commonly heard there. We should have thought that if this had been pointed out to the manager of the Gaiety Theatre he would immediately have desired that the words which excited remark should be omitted. It appears that several other newspapers concurred substantially with the *Advertiser* in complaining of this passage, and if it struck them all in the same way, their unanimity of protest surely deserved attention. At the same time, if Mr. Reade denied that he had any ill intention in using the words, everybody would believe him; and if he had caused them to be struck out of the play, there would have been no occasion for critics or anybody else to say anything further on the subject, and certainly we do not think that it need have occupied the attention of a court of law.

It is not, as we understand, disputed that the words partly quoted and partly indicated by the *Advertiser* were really spoken, nor can it be denied that, if spoken, they would suggest to many minds the idea which the critic considered them capable of suggesting. As the defendants' counsel urged, "there was the fact, staring the jury in the face, that all the gentlemen representing different papers which had been mentioned had had their minds affected in a similar way by hearing the drama played for the first time." Let us consider critics for the moment merely as representatives of the average sense or folly of mankind. There are a good many silly

people among the audience at theatres, and authors and managers ought to consider, and usually do consider, the opinions or fancies which these silly people are likely to entertain. Several gentlemen whom we will regard for the moment as mere "foolometers" have had their minds, or what they are pleased to call their minds, affected in the same way as the representative of the *Advertiser*. According to Mr. Reade, the *Daily Telegraph* was "not so outrageous" as the paper of which he complained, but its remarks tended in the same direction. Mr. Reade thinks it necessary and desirable to explain that the criticism in the *Telegraph* was written "by a rival playwright whose piece was displaced to make room for mine." He seems to think that nobody could suggest a fault in anything that he wrote except under an interested motive for depreciating his work. It is lamentable that a man of talent like Mr. Reade should entertain these suspicions. We are not particularly pleased with any part of this case, and the least agreeable feature of it was the plaintiff's appearance in the witness-box. The *Times* was mentioned as having written in the same strain, and Mr. Reade answered that the usual representative of the *Times* was not in the house. "This was written by some little scrub they had there." It is possible that the *Times*, like other journals, is open to the remark that its criticisms are sometimes written by gentlemen who themselves write plays. We have yet to learn that this practice is necessarily objectionable, and certainly we shall not hastily adopt the opinion of Mr. Reade that no playwright can be an impartial critic. Mr. Reade appears to assume the existence of a sort of trade confederacy which discourages and writes down all plays which are not written by its members. But we do not see that the dramatic author has to contend with greater difficulties than beginners in other walks of life. There is always much occupied ground, and the public is slowly persuaded to believe that anything new is good. But still talent and perseverance will make their way. We should say that the fault of dramatic criticism in England is, not that it underpraises good work, but that it overpraises middling or poor work. Let a young author compose a really meritorious play, and we believe that managers will be glad to hear from him. Putting aside for the moment the controverted passages, we are inclined to think that this play called *Shilly Shally* got quite as much praise as it deserved. Mr. Toole in the character of Neefit asked his daughter, "Did you ever hear of the little article called a father's cuss?" It is needless to say that Mr. Trollope did not write this. He drew his characters with consistency and propriety, and would not condescend to put into their mouths anything merely to raise a laugh. It is true that Mr. Trollope's novels are not easily adapted to the stage, and we ought to make some allowance for the difficulty under which Mr. Reade laboured. But still he need not have stooped to such very poor and small devices for the production of which is, after all, very dreary fun. Thus he calls the sea "the briny," and makes a wretched pun upon the proverb "Give an inch and take an ell." Almost the only mitigating circumstance is that the speech containing this pun was omitted after the first night, because, as Mr. Reade says, "they were such weak lines." The Attorney-General, in addressing the jury on behalf of Mr. Reade, said that "it was a singular thing that this comedy had never been played in the provinces from the day the article appeared until the present time." But we do not find this fact at all surprising, and we should greatly doubt whether it could be properly ascribed to the criticism of the *Advertiser*. Indeed it is to be feared that some provincial managers would be rather attracted towards a play which contained passages capable of bearing a double meaning. At any rate, the passages in question are either harmless, or, if by any stretch of fastidiousness objectionable, they could be easily omitted. It is possible that managers might be influenced by the concurrence of the London journals in representing this "comedy" as rather poor stuff. By the help of Mr. Toole's drollery and the "father's cuss" it was made tolerably amusing, but we suppose there are few playgoers who would desire to see it again; whereas the novel on which it was founded might be read pleasantly more than once.

Mr. Reade has obtained a verdict for 200*l.* damages, but we cannot help thinking that he is much indebted to skilful advocacy for his success, particularly as the jury could hardly have been favourably impressed by his eagerness to denounce a supposed combination among critics to write him down. Mr. Lee, who wrote the notice in the *Advertiser*, was called as a witness for the defence, and he was cross-examined as to his own adventures in the field of dramatic literature. The suggestion, we suppose, was, that having once offered a piece to the Gaiety Theatre which was refused, he could not be expected to criticize fairly any piece that might be accepted. But we think that a literary rival of Mr. Reade might regard the success of *Shilly Shally* with equanimity. It is but poor work to dramatize another man's novel, even when the work is done with more skill than Mr. Reade has exercised. We think that the plaintiff's counsel went to the furthest point on behalf of his client when he said that only "a perverted and unfair animosity" could have dictated a criticism such as had been brought before the jury. We grant that the critic was mistaken in attributing to Mr. Reade an improper intention in using the words that have been referred to. But still, if an author cannot take account of the stupidity of mankind, there ought to be a reader, or manager, or somebody capable of assisting him. When the King of England said "Honi soit qui mal y pense," he was doing an act which, in a less exalted personage, might have been liable to misconstruction. We are bound to confess

that, hearing Mr. Toole's words, and taking them simply as they were spoken, we should have been disposed to say that at a theatre desiring to maintain a first-class character such words had better be omitted. We do not think it would have been difficult for the defendants to produce persons, not possessed of the ingenuity or malice of critics, who would have testified that they disapproved these words. Any one of these persons, possessing the faculty of writing and a newspaper to publish his effusion, might have expressed himself, not perhaps as strongly, but to the same effect, as the critic of the *Advertiser*. Indeed, if one is not allowed to comment freely on what is actually spoken in a theatre, the liberty of the press, which fine writers delight to call a "palladium," is little better than a swindle. It ought not to be forgotten that something depends upon the manner in which words are spoken, and the author is not responsible for that, although the manager may deserve to be called seriously to account. We think that in the present case an occurrence which was possibly accidental has been made the most of by the critics in the first place, and afterwards by Mr. Reade and the jury.

REVIEWS.

THOMSON'S ELECTROSTATICS AND MAGNETISM.*

THE casual papers on subjects connected with magnetism and electricity contributed for a number of years by Sir William Thomson to various scientific serials are of too solid and permanent a value to be left buried in the comparative oblivion which is the lot of periodical writings in general. It is therefore with much satisfaction that we welcome the reprint in a collective form of a series of articles upon electrostatics and subjects mathematically allied thereto, which during the last thirty years have appeared in the leading scientific journals at home, in Nichol's *Cyclopædia*, and in Liouville's *Journal de mathématiques*; fresh matter to the extent of about a quarter of the whole having been added with a view to roughly filling up gaps in the collection, and imparting to it as the result somewhat of the unity and continuity of a systematic treatise. The chronological order of arrangement has judiciously been made subordinate to the logical sequence or cohesion of subject matter, so that the reader is presented without much break or disconnection of ideas with a kind of summary of the most recent progressive gains in the mathematical theory of electro-magnetism. The volume comprises, we are told, as nearly as may be, all that the author has hitherto written on electrostatics and magnetism. He has excluded from it electrical papers prominently devoted either to thermo-dynamics or the kinetics of electricity, with the view of including these in a further series, to be made up, we are promised, of all his other papers already published.

Three years in advance of the date at which his name stood in the Mathematical Tripos as Second Wrangler and First Smith's Prizeman, a paper appeared anonymously in the *Cambridge Mathematical Journal*, February 1842, which was reprinted in the *Philosophical Transactions* (1854, first half-year), with the name of William Thomson attached as author, upon the uniform motion of heat in homogeneous solid bodies, and its connexion with the mathematical theory of electricity. This article, remarkable for the promise it displayed on the part of one so young, a promise since abundantly fulfilled, stands at the head of the volume before us. It is no great disparagement to the merits of a paper so marked with talent that the author, as he was not long in discovering, had been anticipated in many, if not most, of the ideas which he thought new and independent, by M. Chasles. The first of these ideas were those by which he was led to the determination of the attraction of an ellipsoid, given in the latter part of the paper. He soon afterwards found that he had been anticipated by the same author in his enunciation of the general theorems regarding attraction; and still later he came candidly to confess that both an enunciation and demonstration of the same general theorems had been given by Gauss, appearing shortly after M. Chasles' enunciations. Finally it became known to him that these theorems had been laid down in the most complete and general manner, with rich applications to the theories of electricity and magnetism, more than ten years previously, by George Green. Avowals of this kind—which have to be made by many a young author, and are here made with so good a grace—become indeed additional reasons why we should have regretted the omission of the paper, original as it is in many of its suggestions and lines of proof, as well as differing in most of its methods from those of M. Chasles, which are all but entirely geometrical. The general conclusions, as summed up by the author in a foot-note, go to show that the laws of electric or magnetic force in any case whatever must be identical with the laws of distribution of the lines of motion of heat in certain perfectly defined circumstances. With the developments and applications supplied by the next paper in the series on the elementary laws of statical electricity, they may claim to constitute a fairly full theory of the characteristics of lines of force experimentally investigated by Faraday. Completing as they do the analogy with the theory of the conduction of heat, they form attractive

* Reprint of Papers on Electrostatics and Magnetism. By Sir William Thomson, D.C.L., LL.D., F.R.S., F.R.S.E., Fellow of St. Peter's College, Cambridge, and Professor of Natural Philosophy in the University of Glasgow. London: Macmillan & Co. 1872.

illustrations of the unity and harmony which pervade the working of all the forces of nature. A further point in which the author found the able treatise of Green (published in 1828) to have been beforehand with him, is the demonstration by direct integration (a year later than his original paper) of a theorem which he had arrived at in the first instance independently, to the effect that, if a surface be described round a conducting or non-conducting electrified body, so that the attraction on points situated on this surface may be everywhere perpendicular to it, and if the electricity be removed from the original body and distributed in equilibrium over this surface, its intensity at any point will be equal to the attraction of the original body on that point divided by 4π , and its attraction on any point without it will be equal to the attraction of the original body on the same point. Almost contemporaneously with this demonstration appeared one to the same effect by M. Sturm in Liouville's Journal. It is, however, no mean proof of analytical power to have arrived independently, towards the close of the paper, at a series of integral expressions for the attraction of an ellipsoid upon a point both within and without it, identical with one found by Pontecoulant by direct integration, through a method discovered by Poisson, showing at the same time how readily by a comparison of the first and second equations Ivory's theorem may be deduced.

Some distinguished experimentalists had of late years begun to doubt the truth of the elementary laws established by Coulomb, as being incompatible with certain newly discovered phenomena. Researches upon this point were undertaken independently of each other by Sir W. Snow Harris and Faraday. All the experiments made by them with direct reference to the distribution of electricity in equilibrium were, however, at the same time held by Sir W. Thomson to be in full accordance with, and in fact confirmatory of, Coulomb's theory. In proof of this proposition, he communicated in French to Liouville's Journal, and shortly after inserted in English in the *Cambridge and Dublin Mathematical Journal*, Nov. 1845, the paper placed second in the present series on the "Mathematical Theory of Electricity in Equilibrium." Coulomb had so expressed his theory that it could only be attacked by proving his experimental results to be inaccurate. Sir W. Thomson shows, by analysis of Harris's experiments, that certain precautions expressly laid down by Coulomb had been neglected by that gentleman, the results being accordingly unavailable for the accurate quantitative verification of any law, on account of the numerous unknown disturbing circumstances by which they were affected, while as qualitative illustrations they amply fulfil the law. Faraday's researches on electrostatic induction were undertaken to test an idea which he had long held, that the forces of attraction and repulsion exercised by free electricity are not the resultant of actions exercised at a distance, but are propagated by means of molecular action among the contiguous particles of the medium surrounding the electrified bodies, which he therefore called the dielectric. So far as his experiments might seem incompatible with Coulomb's theory, the difference could only arise, our author made it clear, from the different method of stating and physically interpreting the same laws. Either method, carried far enough, might be made the basis for a mathematical theory which would lead to the elementary principles of the other as logical consequences. This theory would thus be the expression of the ultimate law of the phenomena, independently of any physical hypothesis which might from other circumstances be adopted. Coulomb, for instance, although his laws naturally suggest the idea of material particles attracting and repelling one another at a distance, most carefully avoids making this a physical hypothesis, confining himself to the mechanical effects which he observes and their necessary consequences. In our ignorance of what electricity is in itself, we cannot be too careful to distinguish between what is empirical or matter of hypothesis, and what is arrived at by processes of mathematical reasoning independent of our tentative and shifting notions of the physical essence or properties which underlie the phenomena of electricity. As an experimentalist, it is interesting to observe how careful Faraday ever was to guard himself against confusion on this point. Nor is it of less interest to trace how, in the absence of mathematical training, which he was himself the foremost to deplore, his experimental results led him, not to confirm merely, but frequently to anticipate, the results of mathematical analysis, which, as in the instance in question, had seemed destined never to be perceived except as truths of mathematics. In later portions of his book Sir W. Thomson adduces other instances in which this true philosopher, without mathematics, divined the results of mathematical investigation, and, what has proved of infinite value to mathematicians themselves, has given them an articulate language in which to express their results. Thus the whole language of the "magnetic field" and "lines of force" is Faraday's, and was greedily accepted, writes our author, by mathematicians, who have ever since been most zealous in using it to the best advantage. Scarcely less fertile in consequences have been the discovery and the name of specific inductive capacity, determined experimentally by comparing the capacities of conductors, alike in other respects, but differing in the materials employed as dielectrics. It may be interesting to compare his determinations with the analytical results enunciated in Sir W. Thomson's articles on the measurement of electrostatic and electromotive force. In the table of different potentials producing sparks in or across different thicknesses of air between parallel metal plates, measured by the absolute electrometer, an unexpected and a very remarkable result becomes apparent—that greater electro-

motive force per unit length of air is required to produce a spark at short than at long distances. When it is considered that the absolute electrification of each of the opposed surfaces depends simply upon the electromotive force per unit length of the space between them—or, which, says our author, is the same thing, upon the resultant electrostatic force in the air, and occupying that space—it is difficult even to suggest an explanation. What we are forced to recognize is the fact that a thin stratum of air is stronger than a thick one, whether measured against the same "disruptive tension" in the air, as Faraday would express it from his view of the condition of the air on transmitting electric force, or measured against the same "lifting electric pressure from its bounding surfaces," on the view of the eighteenth-century school represented by Poisson. The same results are given by the portable torsion electrometer. Whatever may be the explanation of the *modus operandi* in nature, the result is that of a real mechanical force, and can be measured in terms of balance weight, or by so many grammes per square centimetre; whether this force be regarded as a repulsion in the old-world view, or an attraction effected by tension of the air between the surface of the conductor and the conducting boundary of the air in which it is insulated, as it would probably be considered by Faraday. Some most valuable materials, as well experimental as analytical, bearing upon this and numerous allied problems, will be found in the British Association Report for 1867 on electrometers and electrostatic measurements, which forms perhaps the most conspicuous paper in the first part of the present compilation.

Sir W. Thomson heads the second series of his papers with one presented to the Royal Society in June 1849 on "A Mathematical Theory of Magnetism," in which he shows the fallacy of the theory first laid down in a complete form and adopted in a modified shape by Green and Murphy, resting on the hypothesis of two magnetic fluids. The writer's object was to prove that not only was no physical evidence to be adduced for such a hypothesis, but that the most recent discoveries, on the contrary, especially in electro-magnetism, render it extremely improbable. A complete mathematical theory of magnetism could be established without assuming the existence of those hypothetical fluids. This theory might be made to rest upon the sole foundation of facts generally known, and of Coulomb's special experimental researches. The positive elements of proof would be in agreement with those of Poisson's mathematical theory; and the fundamental formulæ would consequently be the same. Whatever conception we may form of the imaginary magnetic "matter," possessing as it does none of the primary qualities of ordinary matter, and being consequently in no sense to be called either a solid or "fluid," or "fluids," all we know it by in a physical sense is its force, or its property of attracting or repelling magnets or other portions of matter of its own kind, according to certain determinate laws. The determination of these laws is the function of mathematical theory, allied with and resting upon experimental data. The synthetical part of the theory, the paper goes on to explain, has for its ultimate object to determine the total action between two or more magnets when the distribution of magnetism in each is given. With sufficient data in any case, Coulomb's laws of magnetic force are sufficient to enable us to apply ordinary statical principles to the solution of the problem, determining the resultant of the attractions or repulsions exerted between the particles of two groups of matter, in obedience to the law of force which is universally met with in natural phenomena. Upon the problem of the distribution of magnetism an insertion of much importance has been made in this paper (in 1850), in which Sir W. Thomson introduces new and more definite terms to express the different modes of distribution or forms of magnetized matter. The first of these modes is the "solenoidal" (from *σωλην*, a tube), suggested by the term "electro-dynamic solenoid," applied by Ampère to a certain arrangement of galvanic circuits in the supposed form of a tube. A magnetic solenoid is an infinitely thin bar of any form, longitudinally magnetized with an intensity varying inversely as the area of the normal section in different parts. The other mode is the "lamellar," when the magnet is supposed to be divided into an infinite number of magnetic "shells," or infinitely thin sheets of any form, plane or curved. The calculation of the magnetic potentials in either case is derived from a theorem due to Gauss, which is followed up by analytical formulæ for determining whether, under certain conditions, a distribution of magnetism is solenoidal or lamellar. Having arrived in the first instance at a definite formula in the case of a lamellarly magnetized magnet, the writer was led by the analogy which exists between the two states to test a similar formula for solenoidal distribution. An analytical view of the problem presenting itself in preference to the synthetical, he succeeded by the process of partial integration in deducing a series of expressions for the potential of distribution in an infinitely thin shell, coinciding with the surface of the magnetized body, as well as for its direction, which is proved to be at every point of the surface perpendicular to the normal. The conclusions thus arrived at are carried on further in a series of postscripts, extending to the end of last year, comprising theorems of great clearness and beauty. Another series of papers of singular value relates to the use of "hydrokinetic analogy," as first perceived by Euler, for the measurement of magnetic force. Defining this principle generally in an earlier article (xxvii.), the author in the last two papers (xli, xlii.), applies it to the case of the magnetic influence of an ideal extreme diamagnetic, and to the general case of induced magnetism. There are curiously close

analogies between some of the circumstances of motion in continuous fluids of different densities, and the distribution of magnetic force in a field occupied by substances of different inductive capacities. We have, indeed, to conceive the case of an ideal fluid, frictionless and incompressible, although denser in some parts than others, as well as that of an infinitely porous solid to be permeated by such a fluid. Yet such hypotheses, unreal as they are in nature, have their counterparts in the conception of magnetic matter itself, as a medium akin to the ether which forms the hypothetical basis of light—vibratory motion being the property which they manifest in common. Such aids to science will not in the hands of scientific inquirers be mistaken for ultimate facts. It is especially to the mathematician that we look to guard the processes of science against the intrusion or the persistent establishment of ideas which are but temporary makeshifts—tentative, empirical, and fluctuating. In an age which is only too apt to be dazzled and misled by the power and beauty of experiments, it is most satisfactory to find the interests of science subject after all to those who, like the author of this remarkable volume, possess in the knowledge which alone can be called exact the key to the only absolute and ultimate truth.

SIR JOHN BURGOYNE.*

THE late Field Marshal Sir John Burgoyne was born in London in 1782. He was an illegitimate son of General Burgoyne, who died when he was ten years old, leaving him without provision. The charge of his maintenance and education was undertaken by his father's friend, the Earl of Derby. He was educated at Eton and went thence to the Royal Military Academy. He received his first commission in the Royal Engineers in 1798, and he went on active service to Malta in 1800. He was employed in the Mediterranean, in Egypt, and in Sweden, but saw no very remarkable service until 1808, when he did much hard work under Sir John Moore in Spain. Returning to England with that portion of the army which retreated on Vigo, he was sent back next year, and remained in Spain serving continuously until 1814. He took part in the passage of the Douro, and thinks that if our army had marched as fast after the French in 1809 as they marched away from them in the previous year, Soult would not have escaped as he did from Oporto into Spain. His journals contain many valuable criticisms, and he sometimes puts military operations in a different aspect from that which they bear in received histories of the period. On the whole, he does not seem to have been an enthusiastic admirer of Wellington's tactics. He says that Marmont had the best of the game in 1811, and again next year, until Wellington turned the tables on him completely at Salamanca. But it must be remembered that Wellington had always to contend with many difficulties caused by others, while his successes were due chiefly to himself. Burgoyne was present at the battles of Busaco, Salamanca, and Vittoria, as well as at many minor affairs in the field, but his special distinction was that he had borne part in all the sieges which Wellington undertook.

The taking of Badajoz was indispensable to any movement into Spain, and the success of the assault was largely due to Burgoyne. It shows what soldiers will do under leaders who inspire confidence. The 3rd Division of the British army, under General Picton, took the castle by escalade while the 4th and Light Divisions were losing their best men in vain attempts to enter at the breaches. The 3rd Division was conducted to the assault by Burgoyne, who was assisted by Captain McCarthy of the 50th Regiment. This officer has left an interesting description of the assault. It was his duty to guide the division to the point of attack, and he felt the weight of the charge. At one moment he feared he had gone wrong. "General Picton, emphatically expressing himself, said that I was blind, he supposed, and going wrong, and, drawing his sword, swore he would cut me down. I explained, and he was appeased." Soon they arrived at the very spot in the first parallel where Burgoyne was waiting. Five ladders were placed by Captain McCarthy, under a fire so heavy that "it was impossible to twinkle the eye on any man before he was knocked down." Four ladders with troops on them, and an officer on the top of each, were broken successively near the upper ends, and slid into the angle of the abutment. On the remaining ladder was no officer; but a private soldier at the top, in attempting to go over the wall, was shot in the head, and tumbled backward to the ground, when the next to him upon the ladder instantly sprang over. This man belonged to the 45th Regiment, in which his name ought to be remembered. Burgoyne gives no account of his personal share in this assault, but it is evident that the success of Picton's division was largely due to his skilful guidance. The two divisions which assaulted the breaches unfortunately got mixed together, and, although they showed great courage, their efforts were not made with the regularity essential to success. Burgoyne has recorded his opinion that an attack by battery on the castle would have brought the siege to an earlier termination.

The employment of whole divisions entails serious losses, but success is worth the price. At Badajoz, and afterwards at St. Sebastian, heavy columns were engaged, but at Burgos the assaults were made by small bodies of troops and they failed. Burgoyne attributed his own failure before Burgos, not so much to the de-

ficiency of artillery and stores as to the unusual parsimony of Wellington in supplies of men. It appears that Burgoyne, both in Spain and afterwards in the Crimea, displayed an inconvenient facility for plain speaking. It was the regular official practice to speak in the highest terms of the bravery of the Portuguese troops, but when Burgoyne was told that they were to be employed in an assault, he candidly explained that he would prefer to have at least a portion of English soldiers for the difficult work he had in hand. An officer was so foolish as to send to Wellington a complaint against Burgoyne for speaking disrespectfully of Portuguese valour, but Wellington answered that he quite agreed with Burgoyne. "It was rather hard," he said, "that we should be losing frequently the best men in the army because the Portuguese would not do their duty, and then should not be allowed to say so, but, on the contrary, be forced to compliment them." As the siege of Burgos became more critical the besieging force was reduced, in order to make head against the French armies which were gathering strength after the defeat of Salamanca. Finally the siege was raised, and the British army made an uncomfortable retreat to the frontier of Portugal. Burgoyne never shrank from avowing that he had represented to Wellington that the place could be taken with the means at his disposal, and he always remained of opinion that it would have fallen if powerful assaulting columns had been employed to storm it as at Ciudad Rodrigo and Badajoz. He sums up his criticism upon his own performance with the remark, that "an attempt with inadequate means, unless used with great vigour, is almost certain to end in failure." Burgoyne mentions a curious example of the courtesies of war which occurred during this siege. As he had much to do and few assistants, he began early to try to save his time by taking the liberty of crossing the open from one part of the trenches to another. This he did very cautiously at first, till by degrees the enemy became accustomed to him, and would allow him to do what they would not permit to others. Among his comrades the compliment thus paid to him by the French was attributed to a particular coat reaching to his heels which he wore, being "a new and outrageous fashion just arrived from England."

The campaign of 1813 began pleasantly for Burgoyne, as by invitation of Sir Thomas Picton he was attached to the 3rd Division, to which he had shown the way at Badajoz. He anticipated a second and more arduous siege of Burgos, but the French, having omitted to provide properly for the defence of the place, blew up the works and abandoned it on Wellington's approach. In the battle of Vittoria Picton's division was particularly distinguished. The journals of Burgoyne reflect his impressions at the time he wrote, and he seems to have fancied that neither Picton nor himself was a favourite of Wellington. Yet it is manifest that Burgoyne's merit was fully appreciated by Wellington, although at the close of the war he received less public recognition than his services deserved. As regards Picton, the whole army knew, and therefore its leader was not likely to forget, that as a fighting general he was unsurpassed. At Vittoria Burgoyne mentions that several orders which Wellington sent had been anticipated by Picton. He does not state, but we may infer, that he suggested much that Picton did. He probably assisted Picton as Jomini did Ney in the most brilliant period of that Marshal's command of a corps under Napoleon.

At the siege of St. Sebastian Burgoyne served under Sir Richard Fletcher, who was killed in the assault. The difficulties of storming this place were very great, nor did Burgoyne think it would have been carried if an explosion had not occurred behind the breach. Burgoyne remarks that Wellington, after the failure of a small force at Burgos, resorted to the heavy columns which had succeeded at Badajoz, and gained his object, but at heavy cost. Considering the reputation which Burgoyne had acquired in these sieges, his subsequent career was disappointing. The arrival of an officer senior to himself deprived him of the chief command of engineers to which he might reasonably have hoped to succeed on Sir Richard Fletcher's death. Wellington, wishing to compensate him for this disappointment, named him to the command of engineers in the expedition to America which followed immediately on the termination of the Franco-Spanish War. Thus Burgoyne was sent on a service where little glory was to be gained, and he returned just too late to be included in the first arrangements for the campaign of 1815. So it came to pass that he served at New Orleans and did not serve at Waterloo. But whatever was the result of the particular operation in which he might be engaged, his professional reputation steadily advanced. He admitted freely his own errors, and never sought to extenuate miscarriages in which he was concerned by laying blame on others. It is manifest that he thought that he could have taken Burgos if Wellington had allowed him plenty of men and left him to himself; but he was too loyal to say or even to hint that this was the true cause of failure. At New Orleans he thought that the enterprise ought never to have been undertaken, but after the first assault had failed with heavy loss, he advised that a second should be made, and gave good reasons for expecting that it would succeed. But the attempt hastily begun was hastily abandoned. We seem in thus reviewing the early years of Burgoyne's career to be anticipating the remark which would be appropriate to his share in the Crimean War. His opinion as to the failure before Burgos is singularly applicable to the operations against Sebastopol. The attempt was made with inadequate means, and it was not followed up with the vigour which alone could give hope of success. We shall see when we come to the second volume of Burgoyne's *Life*

* *Life and Correspondence of Field Marshal Sir John Burgoyne, Bart.* By his Son-in-Law, Lieut.-Col. the Hon. George Wrottesley, Royal Engineers. 2 vols. Vol. I. London: Bentley & Son. 1873.

that he understood better than his French colleagues the conditions of the problem which lay before the allied army. As regards the attack on New Orleans, we entirely subscribe to the opinion of Burgoyne's biographer that it would be difficult in the whole range of English military enterprise to find a more injudicious operation. He attributes the idea of it to Admiral Cochrane, who perhaps, like sailors generally, undervalued military difficulties. A portion of the troops had disembarked, and were in presence of the enemy before their General, Sir Edward Pakenham, arrived. Nothing was known of the position or force of the Americans until the works were reconnoitred by him and Burgoyne. The enemy were found to be posted too strongly to be overcome by open attack in front, and "the folly of the enterprise became apparent." However, the Admiral proposed an ingenious scheme, which, if perseveringly followed up, might have led to the capture of the place. This consisted in cutting a canal from Lake Pontchartrain to the river, and passing over a body of men in boats to the opposite side of the Mississippi, in order to take possession of an American battery on the right bank, which enfiladed the lines covering the town. It was intended that this attack should precede that on the main works of the enemy. The attack was made and proved successful, but the troops having been delayed in making it, the English General gave the order for the assault on the main works too soon. That assault was made and failed, and Sir Edward Pakenham was killed. It was then reported that the American works on the right bank were in our hands, and in a council of war held on the ground Burgoyne strongly urged a renewal of the attack, but his opinion was overruled. Thus a fine body of soldiers and much reputation was sacrificed because there was at first too much boldness, and afterwards too little, in the counsels of their leaders. This is very nearly an anticipation of the Crimean War. Burgoyne returned to England, and found that another officer had been appointed commanding engineer with the army in the Netherlands. He applied to Wellington, who answered that he would be very happy to have him with the army, but official routine prevented his joining it till after Waterloo. Sir Thomas Picton, passing through London, applied for leave to take Burgoyne as his aide-de-camp, but this application was refused. We may be sure that if Burgoyne had spent the night of the 17th June with Picton, he would have taken care that the farmhouse of La Haye Sainte, which lay in front of Picton's position, should be put into the best state of defence possible. It is evident that there could be no reason satisfactory to anybody except a Horse Guards' clerk for not allowing Burgoyne to go with Picton. With Napoleon in front, there was surely a call for all the talent we possessed. But Fate and the Horse Guards are alike irresistible by the British army.

(To be continued.)

OLD-FASHIONED ETHICS AND COMMON-SENSE METAPHYSICS.*

MR. THORNTON has in this book left the field of politico-economical speculation in which he has previously earned a considerable reputation, and ventured on the more difficult ground of metaphysical and ethical inquiry. The title of his book indicates in some degree its general tenor. It is a remonstrance against various heretical opinions which have, as he thinks, been gaining more acceptance than they deserve. In the combat which he provokes Mr. Thornton shows the qualities with which we are already familiar. He writes with remarkable candour; he always endeavours to meet his opponents upon their strongest ground; his style is flexible and occasionally eloquent, and he has a fertile supply of ingenious illustrations. It must, however, be admitted that the attempt to answer metaphysics by common sense is one which generally excites our suspicion. It too often implies a spirit similar to that in which Johnson gave his well-known refutation of Berkeley. It means that a man summarily dismisses difficulties because he does not appreciate their true bearing. The Scotch school of metaphysicians, for example, are generally considered to have shown less acuteness than audacity in their assault upon Hume's scepticism. Mr. Thornton, who has inherited their shibboleth, speaks at times with a dogmatism which reminds us a little too much of his predecessors. True, it is a dogmatism curiously tempered by an amiable modesty. Yet, in his unpretending way, Mr. Thornton lays down the law with a confidence which sometimes appears to us to be hardly justified by the depth of his knowledge. He speaks with something like reverence of Mr. Mill, and yet he accuses Mr. Mill of a number of fallacies so transparent that, if Mr. Thornton be right, they could be detected by Lord Macaulay's schoolboy. He writes with a frank contempt of many of Hume's speculations, till we wonder with him that Hume was ever taken for an acute thinker. He tells us what is right and what is wrong in Descartes and Berkeley and Professor Huxley, though, in spite of his "common sense" tendencies, he ultimately rests in a doctrine nearly identical with that of Berkeley. He sits in judgment with equal confidence upon Mr. Darwin, and he confutes Comte's celebrated theory of the three stages—though he candidly admits that he has not read the original—in a page. Few writers show such genuine candour as Mr. Thornton, and yet very few venture to express themselves so confidently upon points which have exercised the ingenuity

of the keenest reasoners that have ever lived. We cannot, of course, follow him into many of the vast inquiries which his book might suggest. Generally, we may say that he is an opponent of materialism and atheism, though we must add that we think him a little rash in imputing those evil principles to some of his opponents. We shall, however, confine ourselves entirely to his first two essays, in which he treats of Utilitarianism and of "History's Scientific Pretensions." They are not, in our opinion, the best part of the book, but they are the only essays of which we can here speak freely.

In speaking of the pretensions of historical philosophers, Mr. Thornton does not, like some writers, assert that the will acts independently of causation:—

Men's motives [he says] are the results of antecedents. Equally undeniable it is, that a knowledge of all the antecedents and of all the laws of their movements would enable us to foresee the results; for this, supposing the laws referred to to have any real existence, is merely equivalent to the self-evident proposition that if we perceived certain causes, and knew exactly how they would act, we should know beforehand what would be their effect.

Mr. Thornton, then, seems to concede the primary assumption of all who believe in the possibility of a science of history, though it must be added that he is in some sense a believer in Free Will. "But," he proceeds, "what if there be no such laws? What if, on the showing of Mr. Buckle himself and his associates, there neither are nor can be?" Then indeed a science of history is simply impossible, as we may fully admit that it never has been, and from the exceeding complexity of the circumstances in all probability never can be constructed.

To show that there are no such laws Mr. Thornton has a simple argument. "A scientific law," he says, "is simply a record of the uniform recurrence of consequences." Now in human affairs, as is admitted by Mr. Mill and Mr. Buckle, and all believers in progress or in evolution, the same combination of circumstances never does or can recur. Therefore in human affairs "there can be no scientific laws." As Mr. Thornton spends much energy in enforcing this theory, and in dissipating (not without need) the various equivocations produced by the use of the deceptive term "law," we presume that we cannot be mistaken in his doctrine. Let us try to apply it. The most familiar instance of what is called a scientific law is that formula which asserts the force of gravitation to vary inversely as the square of the distance. A knowledge of that law enables us to predict the course of the planets. Knowing that the law holds in all cases which we have observed, we infer that it will apply also in cases which we have not observed. From the fall of the apple we reason with more or less confidence to the orbit of a planet; and gradually we attain that certainty which enables us to map out the course of a new comet or to discover Neptune. If Mr. Thornton should deny the validity of this inductive process, he would of course reduce all science to simple observation. From the fall of the apple we should infer that another apple would fall under identical circumstances; but we could learn nothing about the moon. From the past phases of the moon we might infer that the same phases would recur in the same order; but the discovery of a new planet would be impossible, because law is "simply a record of the uniform recurrence of circumstances," and we have to deal with a new combination of circumstances. Of course Mr. Thornton admits the process of scientific induction to be valid; but, if valid, the scientific historians have all that they want. If they had discovered that the marriage rate varied inversely as the price of corn, they could foretell the influence of a famine upon marriage, though the same circumstances might never have presented themselves before, just as the astronomer predicts the course of a newly discovered planet. The complexity of the facts, and not the absence of law, makes the calculation impossible. Or, to take a different instance, if Mr. Herbert Spencer's theories should be demonstrated, we could prophesy with perfect confidence that a century hence a greater "differentiation" will have taken place in the social organism, and that certain rules will be spontaneously obeyed instead of enforced by Government. In short, the case of social science is the same in principle as that of chemistry or astronomy. Mr. Thornton considers scientific prediction to be possible only if all events move in cycles according to the theory expounded by the carpenter in *Peter Simple*; whereas the very essence of science, according to its ordinary exponents, lies in the possibility of reasoning from the known to the unknown, and applying the "law" which has been observed in some cases to an infinite number of other cases in which it has not been observed. Mr. Thornton quotes Mr. Mill's statement as to a progressive change in the character of the human race as an argument against the possibility of scientific prediction. Surely Mr. Thornton can see that there may be a law of progress, that it might be a law that men should be always growing fatter or thinner, or more intelligent or more stupid, and that, if so, we are just as much entitled to predict as though the law were that human nature remained stationary. That the constant change renders the problem excessively difficult, we fully admit; and, if that is all that Mr. Thornton means, not only should we agree with him, but Mr. Mill and Mr. Spencer and Comte himself would be on his side. But he means—if we do not misunderstand him—that the problem is not merely insoluble by reason of its intricacy, but insoluble by its intrinsic nature. And thus we regret to say that his argument appears to us to be worthless.

We turn to his assault on utilitarianism. Mr. Thornton claims credit, and we willingly admit the justice of his claim, for a candid desire to put utilitarianism in its strongest light. If we do

* *Old-fashioned Ethics and Common-sense Metaphysics.* By W. T. Thornton. London: Macmillan & Co. 1873.

not think him successful in his endeavour, it is not for want of good will. We must observe, however, that "utilitarian" is a word which covers many different phases of opinion, from Locke and Hume to Paley, Bentham, Mr. Mill, and Mr. Bain. These writers differ radically from each other on the most vital points; but the utilitarianism which Mr. Thornton attacks is different from any doctrine which has ever been maintained by any writer with whom we are acquainted. Mr. Mill is his chief authority, but he arrives at his most singular conclusions by adding to Mr. Mill's doctrine certain inferences which he conceives to follow logically from Mr. Mill's principles. Those inferences would certainly be repudiated by all utilitarians; and we confess that the logic by which they are deduced is in our opinion of a very questionable kind. Utilitarians have generally been accused of upholding the selfish theory of human nature; and such writers as Paley, Tucker, or Bentham are fairly obnoxious to the charge. Mr. Thornton inverts the accusation. Virtue, he says, in the utilitarian sense involves the subordination of our own interest to that of others; and the pleasure which it directs us to seek is the pleasure of attending to the pleasure of others instead of our own. Nay, he goes further. Since it is amongst the highest achievements of virtue to sacrifice your own to secure another's happiness, the virtue will be greater rather than less "if you sacrifice more happiness of your own than you secure to another." Thus utilitarianism proves that we ought to act in such a way as to diminish the total sum of happiness. The answer to this strange interpretation is obvious. Mr. Thornton is confounding the criterion with the motive. That conduct is best, say utilitarians, which secures the greatest amount of happiness. But the greatest amount of happiness is secured by each man attending chiefly to his own interest. Therefore utilitarianism is compatible with, as it has frequently been connected with, the doctrine of enlightened selfishness. Mr. Thornton's error is in the assumption, which to say the least requires much proof, that the general good should be not only the test, but the conscious end, of all moral conduct. And even then the appearance of inconsistency which he imputes to utilitarians is simply produced by his forcing upon them a test radically opposed to that which they adopt. Again, Mr. Thornton declares that utilitarianism measures the morality of actions not only by their tendency in the long run to promote human happiness, but by the particular consequences of each action. Thus a murder might be wrong on one showing and right on the other. Of course a utilitarian who adopted the two principles as independent tests of morality would be a fool. But the very essence of utilitarianism in its later developments is to assert the necessity of acting on general principles, and not on particular calculations. Finally, utilitarianism asserts that the ideal standard of perfection is also the only practical standard. It makes duties of perfect and imperfect obligation equally binding, and confounds generosity and justice. This seems to us to be as strange a misconception as any that has preceded, but it appears to be that which has most impressed Mr. Thornton, and which has induced him to construct a theory of his own. Without discussing its value, we will briefly notice this rival doctrine, simply observing that if utilitarians really hold the doctrines which Mr. Thornton imputes to them, or opinions from which those doctrines are fairly deducible, they must be weaker creatures than their worst enemies have hitherto suspected.

Mr. Thornton's theory is that there are two absolute rights from which all others may be inferred—the right, namely, to deal with oneself as one pleases, so long as one does not injure others; and the right to dispose on the same terms "of the product of one's own honest industry." Let us take the first right. Mr. Thornton says explicitly that we have a "right" to retire to our own rooms, and "make beasts of ourselves to our heart's content." He adds that we should be doing very wrong, but that nobody would have a right to interfere. We presume therefore that Mr. Thornton is giving a theory, not of virtue generally, but only of the particular virtue of justice. We should be glad to know how he proves that the supposed indulgence appears to be wrong, for it would clear up his general theory of morality; but we must confine ourselves to the proposition he has stated. In the first place, then, his "absolute right" is not a right at all. Mr. Thornton would not allow a child of his own to make a beast of itself because it did not hurt anybody but the child. He must therefore amend his statement, and say that all people of sufficient age and understanding have a "right" to do as they please. But as soon as he introduces this qualification, he admits the utilitarian theory; for by what principle can he determine the age at which liberty should be conceded, except by discovering the age at which it will do more good than harm? But, further, the right in any sense is not self-evident. It is disputed by many men of the highest ability—for example, by Mr. Carlyle, for whom Mr. Thornton has a great reverence—and by all people who propose legislation for the suppression of drunkenness. How then would he answer them, except by again appealing to utilitarian principle? If unbounded liberty in self-regarding actions does more harm than good, why should we preserve a mischievous right? To this Mr. Thornton, who denies that he is an "intuitionist," answers by quietly assuming as notoriously true a most questionable principle. "No obligation, be it remembered," he says, "can arise except through some antecedent act of one or other of the parties concerned. Either a pledge of some sort must have been given, or a benefit of some sort received." In fact, Mr. Thornton appears to found justice

upon some form of the social contract theory. That theory has been abandoned by all competent thinkers, and Mr. Thornton's quiet assurance "be it remembered" should be supplanted by "it was once held." At any rate, the doctrine being disputed, Mr. Thornton is bound to allege some reason in support of it. This supposed bargain between society and individuals is generally treated as a mere figment of no real validity. The only approach to an argument in favour of what is certainly not a self-evident proposition is contained in a subsequent passage. "Why is it," asks Mr. Thornton, "that every one has a right to fulfilment of engagements, to have faith kept with him, to have promises observed? Solely, as it seems to me, because whatever was promised to any one becomes eventually due, and because whatever is due, or owing, ought to be paid." This is obviously mere tautology. Mr. Thornton evades it in appearance by using the word "due"; but due means simply that to which any one has a right. And his answer to the question, Why is it right to keep promises? is simply that it is right because it is right. Thus if we admit, which we do not admit, that society has made a tacit engagement with every individual to take nothing from him without an equivalent, we are told in substance that the promise is binding because it is binding. Surely this is a very naïve device for escaping the obvious conclusion that promises ought to be kept because fidelity to engagements is a first condition of public welfare. But, admitting this, Mr. Thornton would have to admit utilitarianism; and thus, in the final result, he must either base his argument on utilitarianism, which he regards as an unspeakably inconsistent conglomeration of overstrained morality with excessively lax morality, or else he must take refuge in an intuition, though he denies himself to be an intuitionist, and though the primary axiom on which he relies as requiring no evidence is denied by the great majority of modern thinkers.

We should have been glad to follow Mr. Thornton through the ingenious cases which he has devised for the perplexity of utilitarians. To our mind, the utilitarian solution is very simple and far more reasonable than his own. But we have said enough; and as we have been engaged in attacking his opinions, we are glad to conclude with once more admitting his evident candour and the high tone of feeling which is evident throughout his pages.

DR. NEWMAN'S HISTORICAL SKETCHES.*

THESE *Historical Sketches* do not belong to the more serious and original of Dr. Newman's writings. Their character is what may be called occasional; they are comparatively light, both in substance and method, not professing to be the result of any very profound research, and not possessing, apart from the clearness with which they bring out the author's view of particular periods, an historical value of the highest kind. Even setting aside the errors, as we must think them, which are forced on a Roman Catholic writer by the inverted view he is obliged to take of many of the greatest men and phenomena of modern history, it would be easy to point out omissions and unintentional exaggerations which to some extent diminish the confidence we can feel in him as an historical guide. But the book has, equally with his more elaborate productions, those charms of style and manner which place Dr. Newman in the front rank of living-English writers, and which indeed, it may with truth be said, give him in his own peculiar walk an almost undisputed pre-eminence. Few periods of English literature have been able to boast of a greater array of vigorous, active-minded writers and thinkers than our own; but few or none have possessed so few masters of English prose. And among these few, though the authors of *Sartor Resartus* and of the *Mill on the Floss* may be unrivalled in eloquence, richness, and force, this very force deprives them of the exquisite ease and grace which mark Dr. Newman's writing, where the ardour of the feeling illumines but does not trouble the serenity of the thought, the even and harmonious flow of the polished sentences.

Of the five essays included in this volume, the longest and most interesting is that entitled "On the Rise and Progress of Universities"—a series of papers written in 1854, when it was proposed to establish a Roman Catholic University in Ireland, and intended both to enlist public interest in the project and to explain the principles on which it should be carried out. They have, however, an interest and value altogether beyond the occasion of their appearance—an occasion which was, however, as was natural, stimulating to their author's imagination, and inspired him with an ideal which could never have been, and can less than ever now be, realized by a Catholic University in Dublin. No better illustration could be desired of the true University temper of mind than the contrast between Dr. Newman himself, in whom the spirit of Oxford as she was forty years ago (for she is something very different now) produced its fairest and most fragrant blossom, and prelates like Cardinal Cullen and Dr. MacHale, whose views and feelings would too surely dominate an ecclesiastical institution in Ireland. With all his passionate love for his faith, with all his efforts to see it in all things and all things in it, to represent it as the perennial source of life, motion, and progress in history, of happiness, purity, loftiness in the individual; with all his desire to accept it as the guiding star of humanity, and to ensure its

* *Historical Sketches*. By John Henry Newman, of the Oratory, sometime Fellow of Oriel College. London: Basil Montagu Pickering. 1872.

dominion over the intellect and heart, he is himself in a curious way still independent of it, and still writes and thinks as one brought up in a freer, fresher air. Dr. Newman would doubtless urge that there is certainly nothing in religious life, nothing even in ecclesiastical influences, to destroy a man's sympathy with intellectual activity, with literary or artistic cultivation; and he could point to the mediæval Church itself as an instance of their union and their invigorating effect on one another. But to this it must be answered that the Roman Catholic Church now differs from the Catholic Church of the thirteenth century almost as much as do the Protestant Churches themselves, and is every year, through her hierarchy, assuming and enforcing on her subjects an attitude of more determined hostility to that free and genial play of intellectual light which radiated over Europe from the Universities of the middle age and still survives in those of the Protestant North. It is not fair to insist on the defects of English and Irish Romanist writers, since they have been excluded from our own seats of learning; but compare those Ultramontane writers whom the exclusively Catholic seminaries of France, Italy, or Spain produce with Dr. Newman himself, or with Dr. Dollinger, reared in the bracing atmosphere of Germany, and see how different is their attitude towards learning and mental life. Nothing is more striking in this volume, nothing more genuinely liberal, than the passage in which the author gives his idea of what a University should be:—

A University is a place of concourse whither students come from every quarter for every kind of knowledge. In the nature of things greatness and unity go together; excellence implies a centre. It is the place to which a thousand schools make contributions, in which the intellect may safely range and speculate, sure to find its equal in some antagonistic activity, and its judge in the tribunal of truth. It is a place where inquiry is pushed forward and discoveries verified and perfected, and rashness rendered innocuous, and error exposed by the collision of mind with mind and knowledge with knowledge. It is the place where the professor becomes eloquent and is a missionary and a preacher, displaying his science in its most complete and most winning form, pouring it forth with the zeal of enthusiasm, and lighting up his own love of it in the breasts of his hearers. It is the place where the catechist makes good his ground as he goes, treading in the truth day by day into the ready memory, and wedging and tightening it into the expanding reason. It is a place which wins the admiration of the young by its celebrity, kindles the affections of the middle-aged by its beauty, and rivets the fidelity of the old by its associations. It is a seat of wisdom, a light of the world, a minister of the faith, an Alma Mater of the rising generation.

And what a lively love for Athens, which Dr. Newman takes as the type of such a University as he has been imagining, we see in the following description of Attica, the dwelling-place which nature had prepared for letters and philosophy!—

A confined triangle, perhaps fifty miles its greatest length, and thirty its greatest breadth; two elevated rocky barriers meeting at an angle; three prominent mountains commanding the plain—Parnes, Pentelicus, and Hymettus; an unsatisfactory soil; some streams not always full—such is about the report which the agent of a London company would have made of Attica. He would report that the climate was mild; the hills were limestone; there was plenty of good marble; more pasture land than at first survey might have been expected, sufficient certainly for sheep and goats; fisheries productive; silver mines once, but long since worked out; figs fair; oil first-rate, olives in profusion. But what he would not think of writing down was that the olive-tree was so choice in nature and so noble in shape that it excited a religious veneration; and that it took so kindly to the light soil as to expand into woods upon the open plain and to climb up and fringe the hills. He would not think of writing word to his employers how the clear air brought out, yet blended and subdued, the colours on the marble, till they had a softness and harmony for all their richness, which in a picture looks exaggerated, yet is after all within the truth. He would not tell how that same delicate and brilliant atmosphere freshened up the pale olive, till the olive forgot its monotony, and its cheek glowed like the arbutus or peach of the Umbrian hills. He would say nothing of the thyme and thousand fragrant herbs which carpeted Hymettus; he would hear nothing of the hum of its bees, nor take much account of the rare flavour of its honey, since Gozo and Minorca were sufficient for the English demand. He would look over the Ægean from the height he had ascended; he would follow with his eye the chain of islands which, starting from the Sunian headland, seemed to offer the fabled divinities of Attica, when they would visit their Ionian cousins, a sort of viaduct thereto across the sea; but that fancy would not occur to him, nor any admiration of the dark violet billows with their white edges down below; nor of those graceful fanlike jets of silver upon the rocks, which slowly rise aloft like water spirits from the deep, then shiver and break and spread, and shroud themselves and disappear in a soft mist of foam; nor of the gentle, incessant heaving and panting of the whole liquid plain, nor of the long waves keeping steady time like a line of soldiery, as they resound upon the hollow shore; he would not deign to notice that restless living element at all, except to bless his stars that he was not upon it. Nor the distinct detail, nor the refined colouring, nor the graceful outline and roseate golden hue of the jutting crags, nor the bold shadows cast from Otus or Laurium by the declining sun—our agent of a mercantile firm would not value these matters even at a low figure. Rather we must turn for the sympathy we seek to yon pilgrim student, come from a semi-barbarous land to that small corner of the earth, as to a shrine where he might take his fill of gazing on those emblems and coruscations of invisible unoriginate perfection. It was the stranger from a remote province, from Britain or from Mauritania, who in a scene so different from that of his chilly woody swamps or of his fiery choking sands learned at once what a real University must be, by coming to understand the sort of country which was its suitable home.

The idea of this series of papers is to explain what a University should be and should aim at, by illustrations from the history of Greece, of the middle ages, of modern Oxford, showing what are the circumstances and needs which give birth to a great school of learning, and what the conditions of its continued and prosperous life. Two principles are laid down as essential—the one to its creation, its extension, its force and activity; the other to its maintenance in good order—Influence and Law. Like states or societies,

Universities begin in Influence, they end in System. At first whatever

good they may have done has been the work of pressure, of personal exertions, of faith in persons, of personal attachments. Their professors have been a sort of preachers and missionaries, and have not only taught, but have won over or inflamed, their hearers. As time has gone on, it has been found out that personal influence does not last for ever; that individuals get past their work, that they die, that they cannot always be depended on, that they change; that if they are to be the exponents of a University, it will have no abidance, no steadiness; that it will be great and small again, and will inspire no trust. Accordingly system has of necessity been superadded to individual action; a University has been embodied in a constitution, it has exerted authority, it has been protected by rights and privileges, it has enforced discipline, it has developed itself into Colleges, and has admitted monasteries into its territory.

This notion is worked out historically by suggesting that, as the Athenians, with their passion for beauty, freedom and movement, first created learning and literature, and the love of them and the desire to teach them; so the Macedonians and Romans, following after, organized these things, gave them local dwellings in duly instituted schools, and transmitted to modern Europe the ideas of discipline and order which were impressed by the Church upon the monastic foundations, and which soon gave a definite shape and constitution to the early Universities, originally mere fortuitous concourses of students. Discipline, however, important as its function is in controlling and regulating, is after all the second thing; the first, the indispensable requisite of a University's effective life, is the energy of the individual teacher:—

It was the absence of rule, it was the action of personality, the intercourse of soul with soul, the play of mind upon mind; it was an admirable, spontaneous force which kept the schools of Athens going, and made the pulses of foreign intellects keep time with hers.

So, with great force and truth, Dr. Newman proceeds to point out, and illustrates by the career of Abelard, the natural and informal character of the first University teaching, the spontaneous pursuit of it just because it was what men were craving for, and could then obtain from the living voice only; and he is thus led into a discussion of the relative position towards one another of a University and the Colleges within it; of the respective functions of Professors and Tutors. A University, in his view,

embodies the principle of progress, a College that of stability; the one is the sail, and the other the ballast; each is insufficient in itself for the pursuit, extension, and inculcation of knowledge; each is useful to the other. A University is the scene of enthusiasm, of pleasurable exertion, of brilliant display, of reviving influence, of diffusive and potent sympathy; and a College is the scene of order, of obedience, of modest and persevering diligence, of conscientious fulfilment of duty, of mutual private services, and deep and lasting attachments.

The business of the professors in the one is to give the learner knowledge and the love of it; the duty of the tutors, and of College life altogether, is to test and confirm that knowledge, to form in him habits of industry and patience, preserve him from the dangers of University life, mould his character by advice and example. All this, and much more to similar purpose, is put here with singular felicity, and much practical sense; and it may be a pleasure for modern Oxford reformers to know that no one can urge more strongly than Dr. Newman does the importance of the University, and the necessity, in the case of that University to which his mind so often recurs, of rescuing it from the oppression of the Colleges, and relegating them to their proper place. The difference is that he expects more from the action of tutors and Colleges, and has a more definite belief in the possibility of maintaining professors and tutors side by side with these prescribed functions, than one finds existing among those reformers. In their eyes the tendency of College tutors seems to be more and more to become virtually professors, in a smaller field perhaps, but making their teaching independent and primary—in fact, University teaching in Dr. Newman's sense—not merely auxiliary and disciplinary. As, however, our object is to present Dr. Newman's views, and not to strike the balance in the great cause of University versus Colleges, we refrain from following out a controversy which we have hardly left ourselves space to recapitulate, and still less to discuss.

The graceful sketch entitled "Mediæval Oxford," which, in the form of a review of the late Dr. Ingram's Memorials, contains some notices of the earlier history of the University, has a curious interest to us now, as showing what were the hopes and beliefs of Dr. Newman and his friends in 1838, when the first mutterings were heard of the storm which has since swept over the most conservative of all English institutions:—

Institutions come to nothing which are untrue to the principle which they embody. Oxford has failed in all respects; has compromised its dignity, and has done injury to its inward health and stability, as often as it has forgotten that it was a creation of the middle ages, and has affected new fashions, or yielded to external pressure. . . . A few years ago, a passing humour seized it to open its gates to the Association for Science; Dissenters of all hues were brought to gaze upon its buildings, its precious things, the silver and the gold and the spices and the precious ointments—there was nothing among its treasures that it showed them not. Four of the most eminent among them, each of a separate persuasion, were honoured with degrees; and it was condescendingly predicted by not the least eminent of his body (Unitarian, I believe), that by such a policy Oxford had added a hundred years to its existence. Scarcely had a twelvemonth passed, when the fruits of that policy appeared; those who had been admitted to covet, felt disposed to steal; they felt a greater pang that its gates were closed against them than pleasure in the memory of the short week during which they had been opened to them; and the visit of the *sacra* to Alma Mater was the precursor of the Bill introduced into the Commons for the permanent admission of Dissenters to its lecture rooms. Such is the inevitable consequence of aping or of trembling at the external world. . . . It is really losing time and toil to deny what is as plain as day, that Oxford has, and ever has had, what men of the world will call a Popish character; that in opinion and tone of thought its members are successors of the old monks, or that those who now speak against Wesleyans and Independents,

would also have opposed the Foxes and Knoxes of the Reformation. Surely it is our wisdom, as we follow, so to profess we follow, ancient times. Let us not fear to connect ourselves with our predecessors; let us discern in our beautiful homes the awful traces of the past, and the past will stand by us. Let us stand upon the vestiges of the old city, and with the hero in the poet's romance we shall find a talisman amid the ruins. "The talisman is faith."

To set this passage beside the striking one in Mr. Gladstone's *Chapter of Autobiography* in which he dilates on the feelings and hopes with which he and his friends regarded the Church of England and her destiny in these same years (1832-45) suggests many reflections as to the incapacity of even the greatest intellects, animated by the highest and most disinterested purposes, to discern the signs of their own times. Dr. Newman has abjured Oxford; Mr. Gladstone has opened all its honours and emoluments to Dissenters, and overthrown the Irish Establishment. The University which they looked upon as the home of sentimental conservatism, the guardian of mediæval traditions in religion and philosophy, has become a centre of vehement radicalism and bold theological speculation.

A PROFITABLE BOOK UPON DOMESTIC LAW.*

THIS book is better described by the head-line "Essays for Englishwomen and Law Students" than by the catching but somewhat vague terms of the principal title. The matter of Perkins Junior's work is almost entirely different from that of the original Perkins, and he has adopted the very opposite manner. The original "Profitable Book" is a strictly technical treatise on the most technical branch of English Law, while the volume now before us aims at giving the substance of the law touching the everyday dealings of mankind in their families and households in a more popular form than is done in books intended for the profession. The author seems to understand by "domestic law" very much what Continental writers understand by the law of the family—that is, first, the law which governs the relations of husband and wife, and of parent and child, so far as these are subject to positive law; next the modifications produced in the law of property when it comes into contact with these relations. Perkins Junior adds some account of the law of master and servant, which, as a matter of considerable domestic interest to every householder, may naturally find a place in a work meant for the guidance of unprofessional masters and mistresses, though scientifically considered it has nothing to do with the family, being only one of the many special developments of the general principles of contract. It is less easy to see why we should find in this book chapters on real property, the jurisdiction of the Court of Chancery in cases of undue influence, and evidence. It is no doubt true that the law of the family cannot be rightly understood without some previous understanding of the law of property in general, and in thus saying we take property in a wide sense to include both rights of ownership and rights arising out of contract or personal duty. Take, for instance, the subject of voluntary settlements, on which our author touches lightly, leading the reader off the dangerous ground to the practical and certainly wise conclusion that no voluntary settlement should be attempted without the most careful legal advice. Not that what he does say is careless or hasty; on the contrary, he gives without constraint, and yet in a remarkably small space, a statement as nearly accurate as the existing state of the authorities well admits of. However, every reader who begins to think about the matter will find himself confronted by a legion of questions which can be disentangled only by some knowledge of the simpler principles of law. A settlement is a special kind of transaction, generally involving complex relations both of ownership and of contract. Before the qualities of this compound body, so to speak, or the operation of extraneous influences on it, can be understood, it is proper to understand the qualities of the simpler elements which go to make it up. Thus, what is a voluntary settlement? A settlement made without consideration. What is consideration? Money, or money's worth, or marriage, will serve for a rough answer; but the true and comprehensive notion expressed in this form, a notion which indeed has been developed and fully settled only in comparatively recent times, can be obtained only through familiarity with the leading ideas of the law of contracts. Again, a settlement may be impeached on various grounds—fraud amongst others. What is fraud? Most people think they know in a general way what is meant by a fraudulent action, and so they do for ordinary purposes. But for legal purposes it is different. The effects of fraud in its various degrees vary according to the nature of the transaction, the persons, and the circumstances. That degree of fraud which will entitle a man to be released from his bargain before he has performed it may not entitle him to have it undone after it is performed. The law calls many things fraud which are commonly called only carelessness or improvidence, and does not deem some things fraud which most folks would be inclined to deem so. And many other preliminary and accompanying questions might be added. In short, what may be called mixed family law (as distinguished from that branch which concerns the wholly personal relations) is exceedingly complicated, and any one who undertakes to expound it can hardly avoid either prefixing some explanation or presupposing some understanding of the more simple parts of the law.

* *Essays for Englishwomen and Law Students: a Profitable Book upon Domestic Law.* By Perkins Junior, M.A., Barrister-at-Law. London: Longmans & Co. 1873.

Now we have here a preliminary chapter on Real Estate, but not on anything else. This can be explained on two suppositions. Possibly the author may have considered that to know the law of real property is the gift of fortune, but that the law of personal property and contract comes by nature. This view would be in some measure countenanced by the present course of preparation for the Bar, especially the Equity Bar, in this country. But the addition of the chapters on the Court of Chancery and Evidence would remain unexplained. The other hypothesis to which we rather incline is that the book is to be regarded not as an organic whole, but as a collection of essays bound together mainly by a presumed common interest for unprofessional readers.

Probably every one will agree with Perkins Junior that it would be a good thing if the law of England were more generally known amongst Englishmen, and also Englishwomen, than it now is. The reason he reserves for the last, however, strikes us as weak. It is that "our lady novelists, much at home in the love-making, are often sadly at sea with the law, and we would befriend them." There is at least one brilliant exception, for which a writer who dedicates his book to "his fair friends" with professions of unbounded devotion ought to have given the ladies credit. Can Perkins Junior have forgotten how in *Felix Holt* the very singular and artificial institution of English real property law known as a base fee is used, and used with perfect accuracy, as a material ingredient in the plot? We have heard, indeed, that in this case George Eliot's skill failed of its reward; for unlearned readers, not knowing the mysteries connected with estates tail which caused a Chief Justice to lay down that "the reason of the operation of a recovery is in its nature inscrutable," thought the law as correctly given in the novel so odd that it must be wrong. It is a doubtful question, we think, whether the author of this "Profitable Book" has hit on the right method for making the law popular. That which he has chosen is to disguise the formal character of his subject by an occasional artificial turn of language, and by interspersing digressions, anecdotes, and moral reflections, sometimes on very slender pretexts; thus he discourses through six or seven pages on the conditions of happiness in married life. This may perhaps be fairly called a variety of the "Philosophy in Sport made Science in Earnest" method. Some such plan has been tried in almost every branch of knowledge, but we believe it on the whole to be misconceived. The most popular treatment of a subject is in the long run the most clear, and the most clear will be the most scientific and the least encumbered with extraneous matter. We have little doubt that a good Code would do more to popularize the law than any amount of text-books or other books written down to the supposed level of the lay population. It is indeed almost impossible to make explanations simple when the form of the law is involved in complexities most interesting indeed to the student, as showing the history of its growth, but not so pleasing to those who want to know what the substance of the existing law is. Recent Indian legislation affords abundant matter for example and contrast. We take an instance almost at random. What can be plainer, more reasonable, more likely to command general assent than this?—

When a party to a contract has refused to perform, or disabled himself from performing, his promise in its entirety, the promisee may put an end to the contract, unless he has signified, by words or conduct, his acquiescence to its continuance.

When a person at whose option a contract is voidable rescinds it, the other party thereto need not perform any promise therein contained in which he is promisor. The party rescinding a voidable contract shall, if he have received any benefit thereunder from another party to such contract, restore such benefit, so far as may be, to the person from whom it was received.

A person who rightfully rescinds a contract is entitled to compensation for any damage which he has sustained through the non-fulfilment of the contract.

These are three sections of an Act which has been the law of British India since the 1st of September last. Though not consecutive, we have cited them together as supplementing and bearing on one another. They convey a clear and intelligible meaning even without the authoritative illustrations annexed in the Act. They are also substantially equivalent to the law of England on the same subject. But the English rules have to be pieced out by way of a string of exceptions from a general technical rule, both the rule and the exceptions being expressed in language of which a layman could make next to nothing; and no English text-writer could venture of his own private judgment to state the result of the whole process with the lucid brevity of the Indian Act. It will be interesting to learn in due course of time what effect the Contract Act and the Evidence Act will have on the legal education of the Indian and Anglo-Indian communities. Perhaps we have no right to expect any conspicuous immediate results; but we are convinced that the true way to restore law to its proper place in the life of the nation, and rescue it from ignorance on the one side and specialism on the other, is to embody the law itself in a form that may be accepted as good food for the mind, and to put no trust in any devices for administering it as a gilt pill in popular abridgments.

But to return to Perkins Junior and his work. The execution of his design is more satisfactory than the design itself. His statements of English law, so far as we have verified them, are careful and accurate. We observe that in one or two places, where the law is not quite settled, there occur sudden gaps in the references (which are collected at the end, to avoid the usual alarming aspect of a law book); and this though the text shows that the writer has not neglected to take counsel of the latest

authorities. Such places are those in which references are most wanted, and the omission is strange. It will not matter to lay readers, but it might be very troublesome to a law student, and is the more to be regretted as the book is one which law students may well find useful, and which we suspect will be more used by them than by the Englishwomen for whom it is in the first place intended.

Some of the introductory and collateral matter is hastily expressed, and not unlikely to mislead. The description of the Court of Chancery in its action "as a Court of honour and conscience, requiring the observance of duties which have been termed of imperfect obligation," is too wide and highly coloured, and might induce an unwary reader to suppose that Courts of Equity are bound by no rules, and undertake to enforce every kind of moral duty. There are also at the beginning some rather loose remarks on codification. Perkins Junior says:—

Whether there should be an authoritative Digest appears to be disputed; but it is certain that the Law cannot be codified until it is digested. Perhaps the reader will be surprised to hear that the Pandects were a Digest, on whose completion Justinian found it necessary to call in his original Code and supersede it by a new one.

Each sentence of this paragraph is a puzzle. The first contradicts most experience out of England, and what in England is now the prevailing and better opinion. As to the second, any one who has heard of the Pandects or Digest at all will probably know that the names are convertible, were used as such by the authority which promulgated the work, and have been so used ever since. On the other hand, no care whatever is taken to guard the reader who is supposed to know so little against thinking that the Code of Justinian was anything like a Code in the modern sense. We find also in the notes on this chapter a very odd piece of legal genealogy:—"The Novels of Justinian were the offspring of the Pandects and the Code"—which we leave for the consideration of the curious.

However, we have only one positive error to lay to Perkins Junior's charge, and that is not in anything relevant to his main purpose. In speaking of parental authority, he quotes the well-known Winchester inscription—

Aut discas, aut discodes, manet sors tertia cædi—

a precept too largely construed by Prefects who hold the command *discas* to include the learning of "notions," and the sanction *cædi* to authorise the inculcation of such learning by the ground-ash. But for *sors tertia* the quotation unaccountably substitutes *pars altera*, which leaves the verse good, but is doubtful Latin. We do not feel moved to any grave indignation at the slip, but we are bound in common charity to warn Perkins Junior betimes, that he may fly from the vengeance which some zealous Wykehamist is doubtless preparing for him.

LIFE AND DEATH OF BISHOP BEDELL.*

THIS contemporary Life of Bishop Bedell comes at a fit time, now that so much is being talked about the relations between England and Ireland, and specially during Bedell's own days. Bedell stands out as one of an unpopular class, the English and Protestant holder of an Irish Bishopric who, at the time when the mutual hatred of English and Irish was at its height, yet won the affections of the Irish people. He had indeed his share of hardships in the Rebellion; but it is plain that he merely paid the penalty for others, and that, if all the English settlers—perhaps even if all the Protestant Bishops—had been like him, the Rebellion might very likely never have happened. The wild ceremony at his burial is the best witness of his peculiar position. The armed rebels paid military honours to his body, and fired volleys over his grave. And their strange farewell or prayer, "Requiescat in pace ultimus Anglorum," marks him out better than anything else as the one beloved member of a hated class. His great monument is of course the translation of the Old Testament into Irish, which was set on foot by him, though it was not finished by him. The work has a philological value which Bedell perhaps did not think of. Within living memory the Bible which Bedell caused to be translated into Irish was still the Bible commonly in use among the Gaelic-speaking inhabitants of North Britain. So slight was the degree in which the two dialects had parted asunder that a translation meant for the use of the Scots of Ireland could be made use of by the Scots of Britain. It is worth notice that, in the letters of Robert Boyle about this matter, some of which are printed in the Appendix, the Gaelic of Scotland is always spoken of as "Irish," as it commonly was in those days, though the name might puzzle many people now. The translation of the Bible moreover was not Bedell's only work on behalf of the natives of Ireland; for he also printed an Irish catechism, and, what one would hardly have looked for, translations of some of the homilies of St. John Chrysostom and Leo the Great. And, if Bedell was loved by the natives, his very love for the natives was one cause among others which led him into many difficulties with his own countrymen in Ireland. The publication of his Bible was opposed by Bramhall and altogether hindered by Strafford, and he had further to strive against various forms of corruption and misgovernment which beset him in the management of his diocese. The whole

life of Bedell after he had finally settled in Ireland makes a tale of deep interest; but it is one which is not a little sad.

The present volume which the Camden Society has put forth consists of a Life of Bishop Bedell, written by his son William. The editor, Mr. Jones, describes himself as the representative of the Bishop's mother's family of Elliston, in which character he puts into his Appendix, among some things which are of value and which concern the Life of Bishop Bedell, some other things which are of no interest to any one except the representative of the family of Elliston. And, in editing the Bishop's life, he now and then alters a word or two when the Bishop's son made a small slip in a date or such like. Mr. Jones, as far as we can see, always tells us in some part or other of the book when he has done this, but it is not the less a thing which ought not to be done. In editing a contemporary authority, what is wanted is to give the exact words of the contemporary authority. If the original writer makes a mistake in any point, his editor ought to point it out in a note, but he should leave the text itself untouched. Mr. Jones's changes of this kind seem to be very few and very small, still the practice ought to be protested against as leading to ways of dealing with original texts which might come to destroy all confidence. Mr. Jones has, we think, clearly shown that the Life was written by the Bishop's son William, a clergyman, and not by his other son, Captain Ambrose Bedell, who served in the war against the Irish rebels, and who seems to have lived afterwards as a country gentleman in Ireland. Of all these people, as well as of the Bishop himself and several of his friends, Mr. Jones has with praiseworthy diligence gathered together a great number of particulars, but he leaves out one point about which we should like to know something. Bedell's son William, his father's biographer, was in 1644 (1645?) presented to the rectory of Rattlesden, in Suffolk, where he lived peacefully till his death in 1671. We naturally wish to know something of the ecclesiastical principles and conduct of a man who kept a living without interruption from 1644 or 1645 to 1671. He was a regular priest of the Anglican Church, having been ordained by his father, and having held a living in Ireland before he moved into Suffolk. How came such an one to be able to conform to the state of things in Suffolk in 1644 or 1645, and if so, how came he to be able to conform to the state of things brought back in 1660? Mr. Jones describes him as escaping from "that hurricane of human passion stirred up by national animosity and intensified by religious hate which swept over Ireland, leaving this and that before and behind it"; and he finds "relief in contemplating Mr. Bedell and his family in the refuge he had gained in his own county and among his own people." But he does not give us a word to explain conduct which at first sight seems to put Mr. Bedell on a level with the Vicar of Bray or Bishop Kitchen of Llandaff.

But we will go back again from the biographer to his more famous father. With regard to Bedell, as to everybody else, we must always bear in mind, what it is not always easy to bear in mind, that he was not born at the age nor in possession of the office for which he is best known. He was born in Essex in 1571, he had therefore reached a mature age before the death of Elizabeth, and it is plain that, though not a zealot either way, he inclined rather to the Puritan than to the Laudian party in the Church. But what specially distinguishes him, his love and care for the native part of his Irish flock, was altogether his own, and was not shared by either party. At Cambridge he was Scholar and Fellow of Emmanuel College, then a specially Puritan foundation, and he was further a kind of disciple of William Perkins of Christ's College, a famous leader of that party in those days. He seems to have been a thorough student in all the learning of his time, taking in the Semitic as well as the classical and modern languages. He had the advantage of seeing other lands when he was chaplain in James the First's time to Sir Henry Wotton, then ambassador at Venice, where he made the acquaintance of Fra Paolo, and where he had many opportunities both of enlarging his studies and of disputing with learned Roman Catholics and Jews; on this latter point his biographer tells us with some simplicity:—

During his abode in Italy he found opportunity of converse with some of the learned sort of the Jews, wherein he intended these two purposes, the bettering himself in his skill in the Hebrew, and the drawing some of them to the embracing of Christ. In the former the success answered, but not so in the latter, that people being extraordinarily stiffnecked, as the Scripture foretold us.

Afterwards he held the living of Horningheath, near Bury St. Edmunds. Here began his first difficulty of a class with which he was pursued during his whole life—that is, questions arising out of ecclesiastical corruptions, understanding thereby, not questions of doctrine or ceremony, but abuses in the temporal side of the ecclesiastical administration, exactions of ecclesiastical courts and the like. Against these Bedell had to struggle all his days, both as presbyter and as bishop. The first difficulty was when he was presented to Horningheath by his friend, Sir Thomas Jermy, when he refused to pay the high, and, as he held, illegal fees demanded by the Bishop's officers for his institution. In this case, after some correspondence, the Bishop, who seems to have had no personal interest in the matter, gave way, and Bedell was instituted, it being left to him to pay the Bishop's officers only what he thought good. Presently he had a long law suit about tithes, as he held it his duty to maintain the rights of his church and of his successors, though we are told that he was equally careful on the other side in keeping up all that it was his duty to keep up. His tithe suit also carried with it the incidental gain that it

* *A True Relation of the Life and Death of the Right Reverend Father in God William Bedell, Lord Bishop of Kilmore in Ireland.* Edited from a MS. in the Bodleian Library, Oxford, &c., by Thomas Wharton Jones, F.R.S. Published for the Camden Society. 1872.

caused him to learn something of law which afterwards stood him in good stead. While holding this living, he was elected a proctor in Convocation for the diocese, and his son gives a somewhat graphic account of the election; how "there was much packing and plotting and making of friends, by the more ambitious of the clergy, to be chosen for that honour, as they accounted it." At last the ambitious ones, unable to agree among themselves, joined with one consent to elect Bedell, who had not even come to the meeting. Bedell's notions of the value of a seat in Convocation are worth recording:—

The news whereof no sooner came to his ears but it presently affected him with a great deal of grief and dislike, as he spared not to his friends sadly to express to this effect that he knew he should but lose his time.

This was the Convocation which accompanied the Parliament of 1623, a Parliament which the British Solomon found fiercer than he liked on several points, and which so far deserves our respect, though modern toleration would not admire its savage outcries for further persecutions of Papists.

Bedell was next, in 1627, moved to Ireland, being appointed Provost of Trinity College, Dublin. The appointment seems then to have been made in the same irregular way as the appointment to Old-Foundation Deaneries. Bedell was named by the King, but he was elected and admitted by the unanimous consent of the Fellows. So too, after Bedell's removal, the King first forbids any election till his pleasure shall be known; but the Fellows, backed by their late Provost, prayed for freedom of election, and they seem to have got it. It is worth noticing that Bedell, during his short tenure of the Provostship, was chosen one of the representatives of the University in the Irish Parliament; but he declined the post. The election of a clergyman was therefore plainly not illegal; but was it likely to have happened in any but an academical constituency? At Dublin too Bedell had his troubles; but they did not take quite the same form as those of days before or after, being chiefly disputes within the College. For instance, Dr. Hoyle, the Professor of Divinity, publicly preached at the Provost; but the matter ended in peace, for "they debated the business largely together like scholars, all in Latin, without any witness, unless a Sizar, and parted good friends." Was a Sizar looked on as so little human that he might witness the disputes of a Provost and a Professor, as it used to be said that Russian ladies allowed serfs to wait on them in their dressing-rooms, on the ground that serfs were not men?

Bedell had been less than two years at Dublin, when he was appointed in 1629 to the two Bishoprics of Kilmore and Ardagh, the latter of which he afterwards gave up from a conscientious scruple against holding two Bishoprics at once. Here his troubles were largely of the same kind as those which he had gone through in his Suffolk living. He was engaged in long suits with the Chancellor of his diocese, and was endlessly grieved with the exactions by which his officers ground down his flock, especially the Irish part of it. We also hear of strange interferences with his patronage, especially with regard to a living which he had given to Murtagh King, who was his chief agent in his Irish translation of the Bible. The minute accounts of all these matters, which have been collected by Mr. Jones, put Strafford's government in Ireland in a very unfavourable light from quite a new point of view. Amongst other things, in 1638, Bedell held a Diocesan Synod, about which further storms arose; the acts of this Synod and the rules made by it are printed by Mr. Jones in the Appendix, and are well worth looking at. With regard to rites and ceremonies, he seems to have been attacked on both sides; one of the charges against him suggests an inquiry which it would be well for any local antiquary who is familiar with Kilmore to work out at length. Bedell says, in a letter to Archbishop Laud,

When I was a minister in Suffolk, I placed the Communion Table in the upper part of my chancel. In Kilmore Cathedral, finding the Bishop's chair in that part, I said that I would never sit there, it being the ancient place of the altar.

On this Mr. Jones comments:—

This, it is to be observed, is probably the origin of the slander raised by his enemies against him, that he wished to pull down his predecessor's seat in the chancel, and to set up an altar instead.

There was something very anomalous about the diocese of Kilmore, where there were no particular canons or prebendaries, but where the Bishop's Chapter was formed of all the beneficed clergy of the diocese. Is it possible that the ancient use of placing the Bishop's chair in the extreme east end, with the altar before it—an arrangement to be seen in all its glory at Torcello—can have anyhow lingered on at Kilmore?

The whole of the matter which Mr. Jones has collected with regard to Bedell's episcopate, besides the original narrative of the Bishop's son, will be found worthy of careful study, as illustrations of the state of things in Ireland at that time. They are materials of the right sort, which in the hands of a critical historian would prove of great value.

GUBERNATIS'S ZOOLOGICAL MYTHOLOGY.*

(Second Notice.)

WHATEVER may be the issue of the battle, it may be safely said that the controversy which turns on the method and the conclusions of Comparative Mythologists is by no means

* *Zoological Mythology; or, Legends of Animals.* By Angelo de Gubernatis, Professor of Sanskrit and Comparative Literature in the Istituto di Studi Superiori at Florence. London: Trübner. 1872.

drawing near its end. Possibly on one side the feeling of irritation may be greater, because the concession of certain principles has been followed by a protest against the continued application of those principles, without any attempt to define the limits beyond which they become inapplicable. That some passages in Vedic hymns, and some stories in Greek or Latin or Teutonic tradition, are mythical, and that the myths on which these tales are founded relate to the phenomena of the outward world, no one probably will now be found to dispute. That the stealing away of Persephone and her restoration to the mourning mother point to the departure of summer and the grief of Nature until the summer maiden comes back, is admitted by every one; nor perhaps will any deny that the plucking of the Narcissus or stupefying plant is a singularly appropriate action for Persephone at the moment when she is seized by the dark King with his coal-black steeds, or that her meeting with Demeter is very fitly localized at Eleusis, the trysting-place. The story of Seléné visiting Endymion as he sleeps in the Latmian cave of forgetfulness is dismissed as solar or lunar with a kind of impatient contempt as being a point too clear to be debated; and with the same impatience it is conceded that, as Seléné is the moon, and as in another version Endymion is the husband of Asterodia, who becomes the mother of fifty children, Asterodia must be only another name for Seléné, and that the very name must denote the moon wandering among the stars. But that, when this has been granted, Comparative Mythologists should go on to say that Endymion, lulled in his magic slumber in the Latmian cave, where Seléné watches over him, is simply Odysseus imprisoned in the grotto of Calypso and the palace of Circe, or Tanhäuser fascinated by the Venus of the Horselberg—the hill of Horsel or Ursel, the moon goddess, who in the Christianized myth reappears as Ursula with her eleven thousand virgins—and that Endymion, Odysseus, and Tanhäuser appear again as True Thomas captivated by the Fairy Queen in the woods of Ercildoune, a name reflecting again the Teutonic Horselberg; all this is declared to be unbearable, not because any reason has been given why these conclusions cannot be accepted, but because such comparisons endanger, as it is supposed, the human character of the Iliad or the Odyssey, and may even threaten further disastrous consequences to some of the dramas of Shakspeare.

The science of Comparative Mythology may or may not be spurious; but an opposition thus managed is radically unphilosophical. It is in no way our duty to decide that Achilles, Odysseus, Herakles, Perseus, and a great many more are or are not only different forms of one and the same hero, and that the story of Helen, Paris, and Achilles is at bottom the same as the story of Sita, Ravana, and Rama; and we must be understood to hold ourselves entirely neutral in the controversy. But neutrality may involve the duty of seeing that the play is fair, and the play is not fair when the antagonists on one side propound a method which seems to be identical with the method of Comparative Philology, and when their opponents, without assigning any reasons, insist that the method is shown to be false if the results yielded by it are to them unsatisfactory or disagreeable. Clearly only one of two courses is open to the latter. Either they must deny that the mythologists have any evidence at all on which they may make a stand, or they must be content to examine the evidence adducible in each given case before attempting to pronounce any verdict. If they are not (and it would seem that they are not) prepared to take the former course, they must share the fate which sooner or later comes on all who refuse fairly to look facts in the face.

In truth, science has nothing whatever to do with consequences. If a fact so dreadful as the phenomenal origin of some of the stories into which Shakspeare has introduced an infinite wealth of human feeling should be established, it cannot be helped and must be accepted; and perhaps the effort to swallow it may not be more painful than that which some must have made in embracing the belief of Galileo in the stability of the sun and the motion of the earth. Nay, we must even bear it as best we may, if it should be found (we do not say it has been found) that some of the homeliest of our nursery rhymes point to phenomenal myths long forgotten or wholly misunderstood. Professor Gubernatis must be prepared for a large amount of ridicule for introducing into his pages the exploit of the cow jumping over the moon as a feat which may possibly be explained by the imagery of Hindu traditions. It is quite possible that in this or in other instances his interpretation may be groundless; but a thousand mistakes in the classification of legends can no more prove the falsity of his method than the same or a larger number of blunders in the analysis or the mixture of drugs can prove the non-existence of the sciences of chemistry and medicine. It is more than possible, it may be next to certain, that some of his conclusions may be set aside, or that hereafter he may see reason for setting them aside himself; but in the meanwhile he is perfectly justified in bringing the myths of Eastern and Western nations into groups, according to any classification which seems likely to guide to fresh knowledge of their origin or their growth. In thus grouping them he is engaged in the simple process of the colligation of facts; and until this process is complete, the work of induction, even if begun, can certainly not be brought to an end. In this task he is doing only what mythologists in Germany, France, and England have done before him; nor can we deny due weight to the fact that his researches seem to strengthen indefinitely their general conclusions. When independent thinkers work in the same field with substantially the same results, there is at least a possibility that they are neither cheating themselves

nor deceiving others as to the real nature of the soil. This general harmony of a school which has now been growing for half a century has been far too much lost sight of; and in this country there has been of late a disposition, scarcely excusable, to fasten first upon Professor Max Müller, and then upon Mr. Cox, assertions and conclusions which had been put forth years before by other writers, and which ought long ago to have been examined and accepted or rejected. Like them, Professor Gubernatis feels that he is engaged in a work the importance of which, if the science has a real foundation, can scarcely be exaggerated; and with praiseworthy candour he admits that he has embarked in the same boat with them, and is ready to share generally the responsibility of their conclusions:—

I recognize with gratitude [he says] the labours of Max Müller and Cox upon Greek mythology, the writings of Michael Bréal upon Roman mythology, the immortal work of Adalbert Kuhn upon the Indo-European myth of fire and water, and a few other helpful beacon towers which send their light shafts clear and steady athwart the waste, and serve as useful guides to the studious navigator of the *mare magnum* of the myths. And because that which there is yet to do is immense in proportion to the little that has been done well, I shall take for granted what has been demonstrated by my learned predecessors, and go on with my own researches, restricting myself, however, entirely to the zoological field.—I. 262.

It cannot of course be pretended that the ground traversed by Professor Gubernatis is altogether different from that which has already been trodden by Comparative Mythologists; but the classification which he has adopted has this great advantage, that it scrutinizes from a different point of view evidence some or most of which has been already examined. It is even a further gain (although it may be won at the cost of some repetitions), if it be shown that the myths which have grown round objects in the natural world are as numerous and complicated as the forms and colours which those objects may assume in different aspects and under changed conditions. If we take the most obvious and familiar of all phenomena—those, namely, which are caused by or connected with the sun—we can scarcely help feeling that the task merely of making a list of these would be endless. The sun of summer and the sun of winter, the sun of the arctic regions and the sun of the torrid zone, the sun gaining strength at every moment in the morning, or sinking down on his blood-red couch in the evening, the sun as travelling in solitary splendour through a cloudless sky, or doing battle with the vapours which threaten to blot his light out of the heaven, is in each case presented even to our minds as a distinct image, with its own peculiar associations; and we have only to fall back on what Mr. Tylor would call the animistic stage in the history of mankind in order to see that to the primitive men every one of these images would denote a living person, whose fortunes might be made the subject, not merely of a mythical tale, but of a complete epic. With them the forms of these living beings were determined by the conditions of their own life; or, as Professor Gubernatis puts it, the ancient Aryan tribes were essentially pastoral, and the ideas suggested by this life were transferred to the heavens. Their great wish was “to increase the number of the cows, to render them fruitful in milk, and prolific in calves.” The bull, therefore, was to them “the type of every male perfection, and the symbol of regal strength.” Hence the man who stole or drove off the cows was the worst enemy of the ancient Aryan, while he who recovered them was the best and the most illustrious of his friends. But in the heaven “there is a beneficent fruitful power which is called the cow, and a beneficent fecundator of this power which is called the bull.” That the rain-giving clouds would naturally be spoken of as the milk-giving cows is perhaps universally conceded; but Professor Gubernatis argues that, if this be granted, the comparison of the dark clouds which give no rain to thieves which carry off the cows, or to monsters who keep them shut up in their prison-house, is equally natural and equally necessary. If the cows are to be brought back, there must be a battle, and this battle is the struggle of the bull Indra to set his herd free; nor can this task be done until he has slain the black monster, who spits fire and hurls thunderbolts from his den. But if to the ancient Aryan the prosperity of his herds was of the first importance, the horse was also an animal whose splendid qualities he keenly appreciated. It was therefore natural that the sun climbing up the heaven should be compared with the invincible war-steed. Thus at once the sun becomes both a horse and a bull, and may, by a not less natural process, become the rider or charioteer who guides both horses and bulls at his will; and a starting-point is furnished for legions of myths which may pass into shapes strangely unlike those which they had worn at starting.

It is clearly on this point that the controversy turns; and on this ground it must be fought out. Unless the opponents of the new science can say definitely that the sun and the clouds were never compared to bulls, cows, or horses, or to any other animals, whether brute or human, they must lay down a line beyond which mythologists are not to advance, and they must assign a scientific reason for so doing. Failure to do this is a virtual confession of defeat. Our neutral position frees us from this necessity. We are quite ready to weigh the evidence which may be urged in favour of the mythical origin of the stories of King Lear, Hamlet, or Othello, or, as the remarks of Professor Gubernatis on the legend of the two brothers Cienzo and Meo (i. 329) would seem to imply, of Shakespeare's *Comedy of Errors*; but critics who are not content to be neutral must either give reasons for denying that myths are flexible, and that the attributes of ancient mythical personages are in many cases interchangeable,

or they must give place to those who assert that they are, and who bring forward the evidence on which their conclusions rest. That the arguments of Professor Gubernatis are fortified by evidence formidable at least in quantity can scarcely be doubted when we find a reference to passages in the Rig Veda for every single phrase in the following sentence:—

The two Hindu Dioscuri—that is, the Açvinâu, the two horsemen, derive their name from the *acvas*, or horse, as being the swift one; and they are very probably identical with the two fair-haired, amiable, splendid, and ardent coursers of Indras, of Savitar (the sun), and proper and worthy to bear heroes, who yoke themselves at a word, are maned, adapted to make fruitful, full of life, having eyes like the sun, made by the Ribhavas who, as they made the cow out of a cow, also made a horse out of the horse, black, with white feet, drawing the chariot with the golden yoke, revealing the beings; the rapid ones, the most rapid ones; plunging into the inebriating drink before Indras yokes them; beautiful, by means of which the chariot of the Açvinâu is as swift as thought; who carry Indras, as every day they carry the sun; are the two rays of the sun; who neigh, dropping ambrosia; the very pure horses of the bull Indras, inebriated, who illumine the sky; with manes the colour of a peacock; bridled sixty times; beneficent, winged, indefatigable, resolute destroyers (of the enemies).—I. 286.

When the Vedic hymn-makers tell us that the horses of the Açvinâu are the rays of the sun, it seems as difficult to deny that they made the comparison as to call in question the interpretation which the witch herself gives in one of the Russian stories of Afanasieff. The girl in this tale sees, as night comes on, a black horseman who disappears underground, at dawn a white horseman on a white horse, and as the sun rises a red horseman on a red horse. She is told by no less an authority than the witch that the black horseman represents the dark night, the white horseman the clear day, and the red horseman the little red sun (i. 298). If this be so, some strong reason must be shown for denying that the tradition of the twelve old men round the fire, or of the twelve ruddy daughters of the King of Light, in the Gaelic Lay of Magnus, in Campbell's *West Highland Tales*, refers simply to the months of the year; but it is not for us to say that this strong reason may not be forthcoming.

Whatever again may be the fate of our Homeric traditions as a whole, it will need some skill to show that the steeds of Achilles who speak and weep are not the horses who weep in the Râmâyana, when their master Ravana comes forth to his final conflict with Rama, and who appear again even in the graver histories of later ages:—

Suetonius in the life of Caesar writes that the horses consecrated by Caesar to Mars and then set at liberty, after the passage of the Rubicon, refused to eat, and wept abundantly. Note that this legend of the horses that weep is connected with the passage of water—of the Rubicon, a river which no geographer has been able to identify with any certainty, probably because the legend of Caesar relating to it is a fable of mythical origin.—I. 350.

It will be even a harder task to prove that in the wide regions of the mythical world the same effects, or rather the same phenomena, may not be ascribed to wholly different causes. When in the beautiful fragment of Stesichorus Helios Hyperionides sinks peacefully into the golden cup which is to take him to his home, to his wife and his children, the radiance which he sheds around him is clearly regarded as his own; but Professor Gubernatis maintains that in some Hindu myths the glories of sundown are described as the work, not of the sun, but of his enemy:—

Varunas is called in the Râmâyana the god who has in his hand a rope; his dwelling is on Mount Astas, where the sun goes down, and which it is impossible to touch because it burns, in an immense palace, the work of Viçvakarmān, which has a hundred rooms, lakes with nymphs, and trees of gold. Evidently Varunas is here, not a different form, but a different name of the god Yamas, the pācin, or furnished with a rope, the constrictor *par excellence*; for we are to suppose the magic display of golden splendour in the evening heavens not so much the work of the sun itself, as produced by the gloomy god who sits on the mountain, who invests and surprises the solar hero and drags him into his kingdom.—I. 72.

In Professor Max Müller's belief a magnificent sunset looms in the story of the death of Herakles. We have to remember that the blood-red conflagration which lit up the heights of Oita was the work, not of the hero, but of his enemy Nessos. Whether any, or what, inference is to be drawn from this fact, we need not say; but we may recommend these volumes of Professor Gubernatis as full of matter of the deepest interest both for those who may agree with him and for those who may be most opposed to him. That the science of Comparative Mythology carries with it an astonishing charm there can be no question; and over Professor Gubernatis it has exercised to the full its magic power.

SPORTING MANUALS.*

LARGE as is the supply of books of this class, the demand for them is apparently inexhaustible. Those who can ride over five-barred gates and bring down rocketers with unerring precision are never tired of reading how similar feats have been performed by others; and, oddly enough, worthy people who have never crossed a horse, and who could not hit a haystack except by chance, seem equally delighted with interminable histories of fox-hunting and pig-sticking and deer-stalking and duck-shooting, and

* *Unashed Advice*. A Series of Articles on Horses and Hunting, reprinted from the "Field." By "Impecuniosus." London: H. Cox. 1872.

The "Idstone" Papers. A Series of Articles and Desultory Observations on Sport and Things in General. By "Idstone," of the "Field." London: H. Cox. 1872.

all the varied modes and incidents of sport. Pleasure, it appears, is obtainable in some cases without the necessity of comprehending that which pleases; an idea, by the way, that must often have struck the intelligent observer in picture galleries and at concerts of classical music. Imagination prepares the way for this sort of pleasure; vague hopes support the toiler in his struggles; and dogged determination does the rest. It is quite possible to be drilled into pleasure; and we make no doubt that the old lady whose life was at last made happy by the possession of that blessed word Mesopotamia was sorely exercised through many a half-hour of unintelligible dreariness before the crowning joy came. No one grudges the rewards fairly earned by powers of great endurance; yet we must always remember that the bliss of ignorance is purely passive, and cannot be quoted as an index of the patient's potential activity. This consideration has a special bearing on the case under our immediate notice, because the constant succession of sporting treatises, manuals, reminiscences, and the like, the liberal space accorded to sporting matters in the periodicals and magazines of the day, the extensive circulation of papers specially devoted to sport, and the zest with which the details of all its varieties, from racing to rat-catching, are devoured by an immense circle of readers, have led to a widespread conclusion that we English are an especially sportsmanlike nation, and stand in that respect on ground much exalted above our fellows. We doubt very much whether our claim to this title can be satisfactorily sustained. *Gaudet equis canibusque* may be the Englishman's motto; but his rejoicing has little to do with any knowledge of the animal he bestrides, the quarry he pursues, or the dog that acts as go-between. Rather he rejoices, as the ploughman whistled, for want of thought. What—without attributing undue importance to a pursuit which in a civilized country is little more than a means of killing time—is involved in the term sportsmanship? First of all, we take it, the possession of certain physical gifts without which no man can excel as a sportsman; and, secondly, an accurate knowledge of the natural history and habits of the animals concerned—not only those whose capture or death is compassed, but those also which are employed as assistants to man. We may concede the first of these points to our countrymen, whose courage, endurance, and physical strength are undeniable; though something more than strength and courage—in horsemanship, for instance, to take one branch of sport—is required; and it will not be denied, we think, that though very many Englishmen ride with pluck, and very many with luck also, only a select few ride with skill and judgment. This is odd when we consider for what length of time, with what assiduous labour, with what unsparing outlay of money, and with what ingenuity of appliances, the art of riding has been practised in England; but it goes far to disprove the title of Englishmen to be considered horsemen in the sense in which the South Sea Islanders would be considered swimmers, or the Swiss mountaineers. Laboriously, and after much patient perseverance, they have been educated into a certain amount of riding ability, the highest point of which is that they and their horses do not readily part company; but the natural gift of riding they have not as a rule, and the acquired art they usually exhibit clumsily and awkwardly. Is not this attributable partly, if not entirely, to their deficiency in the second requisite of a horseman—knowledge of the noble animal itself that ministers to their daily uses and luxuries? It is not too much to say that ninety-nine out of a hundred Englishmen who ride or drive are utterly ignorant of the anatomy of the horse, and of its proper treatment in health and disease. They are at the mercy of the horse-dealer and the groom, with the veterinary surgeon as supreme arbiter in case of need. Money is no object, the horse has been well broken to his business before he leaves the dealer's hands, and all that the purchaser cares about is to stick on his back if he is riding, and not to be run away with if he is driving. The sympathy that exists between the horse and his rider when the servant feels himself in the hands of an intelligent master, and the master understands every indication of weakness and lassitude on the part of the servant and can supply prompt help when help is needed, is altogether wanting when the rider only looks on the horse as a useful and somewhat expensive machine, and the horse regards the rider as an unavoidable and somewhat awkward encumbrance. Not that we mean to claim for owners a monopoly of ignorance. Horse-dealers and grooms are pillars of empiricism; the business of the first is to dress up their animals for the market; the business of the second is to dress them up for the day; and as long as they can have recourse to any temporary shifts for accomplishing these ends, they are well satisfied; for what more do their customers require?

It is impossible to enter here into minute details, but let us instance the art of farriery in illustration of the densely ignorant treatment of the horse. The farrier starts with this fixed conviction, that however well Nature may have managed the creation of the world generally, she made a signal mistake in the construction of the horse's foot, which mistake he, the farrier, will forthwith proceed to rectify. Accordingly, having laid down the axiom that the foot must be altered to suit the shoe, not the shoe shaped to suit the foot, he rasps, and shaves, and pares the hoof of his unhappy victim, until the natural protection of the foot is materially diminished, and then he nails into what is left of it a great lump of iron, the hammering and forging of which he views as a considerable triumph of art. When the poor animal falls lame, there is something the matter with the

shoe; and more hammering and forging goes on, and more rasping and paring of the hoof, and a fresh instrument of torture is forced on the foot, and the lameness increases, till at length it becomes incurable. In the words of "Impecuniosus," who writes with extreme good sense on this subject, the groom and the blacksmith

are never satisfied until they have altered the natural foot into a form of their own, which they think the right one; and though lameness usually attends their efforts, they ascribe it to every cause but the right one, and indeed resign themselves complacently to the presence of many diseases confessedly caused by their treatment.

And again:—

Navicular disease is an affliction common to all horses, and it will be so as long as the frog, which is meant to protect the navicular bone, is pared away, or allowed to diminish of its own accord, which it will do when the foot is improperly treated and shod.

The writer passes in review the principal varieties of shoes that have been introduced during the last half-century, and pronounces strongly in favour of the Charlier shoe, as being the only one that "places the foot at once in the position of unshod nature." Without anticipating the decision which can only be given by long experience as to the excellence of this shoe, the soundness of its principle, that the horse's foot is to be left as it is, and that the artificial protection must be shaped to suit it, cannot be denied. And if the conviction of the eminent veterinary surgeon, Mr. Stanley of Leamington, that "horses shod à la Charlier will never have navicular disease," is correct, there can be no two opinions about the superiority of this particular shoe to any that has been hitherto introduced. We do not exactly gather whether the Charlier shoe, as at present constructed, is suitable to harness horses, more especially in towns; but we are satisfied that, if once the monstrous system of hacking and hewing the foot is abolished in the case of riding horses, their brethren in harness will not long be subjected to a similar fate. The importance of the subject is proportionate to the importance of the horse to our daily life, whether for business or pleasure.

We often wonder, when looking over books of this description, how it is that their writers are content to repeat the oft-told tales of racing and hunting and shooting, without ever seeming to be aware that some of their favourite sports are likely to receive a rough handling before long, and that it might be worth while to state the case in their favour to the best of their ability. Here is racing, year by year degenerating more and more, year by year less worthy of the support of men of honour and integrity, year by year retaining fewer claims to consideration as a national amusement; here are the Game-laws, soon certainly to be altered, possibly to be abolished; here are the Scotch deer-forests, vigorously denounced by land reformers; and yet sporting men go on living in a fool's paradise, and write as if everything would continue as it was in the days of Lord George Bentinck and Osbaldeston. Can none of them discuss, for instance, in their own interest, the game question? There is much to be said on their side; there is a good deal to be said as to the value of game as a contribution to the food supply of large towns; and there is a good deal to be said as to the real character of the poacher, who, so far from being a martyred agriculturist and a victim to the tyranny and oppression of landlords, is an idle skulking vagabond, by profession a thief, and with no objection to commit murder if interrupted in his robberies. The public, we are sure, will readily listen to the sportsman's statement of his case, if it is properly put forward; but if the sportsman is too indifferent to plead his own cause, and leaves all the talking to be done by his opponents, he may thank himself if he loses the battle. We have looked in vain through the pages of "Idstone," who has had for some time past unusually favourable opportunities of addressing an intelligent circle of readers interested in sporting matters, and who, if our memory serves us, has invented a shooting boot, for any arguments or information calculated to serve his side in the day of trouble. We can find nothing, save a casual word of reprobation of the practice of having live pheasants down from London one day to be shot the next. Of the degrading foolishness of this method of securing a heavy bag there cannot be two opinions; but, as far as concerns the question of the over-preservation of game, it is quite innocuous, inasmuch as the five hundred pheasants that arrive on Monday night and are blown to pieces on Tuesday morning have not time, even supposing they have recovered from their bewilderment, to do much damage to the crops. We do not pretend, however, to put forth a regular review of *The Idstone Papers*, for an author who professes in his title page to publish desultory observations on things in general is beyond the reach of the ordinary critic. We have looked into the book sufficiently to agree with the writer that his observations are very desultory, and that they embrace a considerable variety of subjects; we must add a supplementary opinion of our own, that they are not always very much to the point. When now and then an opportunity offers of furnishing some information not altogether second-hand or hackneyed, as in the case of the chapter on Lord Ilchester's unique and jealously guarded swanery at Abbotsbury, not much advantage is taken of it. There is a great want of anecdotes also; and a sporting writer without some power of anecdote is poor indeed. But it appears from "Idstone's" preface that his papers have given satisfaction to a great many people, both within and without the circle of his own acquaintance; and we may therefore congratulate him on having obtained the ear of friends and strangers of a contented disposition, and who are thankful for small mercies.

SEETA.*

IT is not displeasing by way of change to light upon one of those old-fashioned historical novels which would seem to have almost entirely given way to the modern sensational school. It too often happened, indeed, that a man pretended to write an historical novel when he was quite ignorant of history; but, on the other hand, there were writers who made a more or less careful study of the period of which they treated. Sir Walter Scott certainly greatly increased the range of the ordinary Englishman's historical reading, who, till he wrote, had had, according to the well-known story, but one history of England—namely, that written by William Shakespeare. The *Fortunes of Nigel*, for instance, in its description of the apprentices of London, must have given to a vast number of readers a knowledge of bygone times which they scarcely could have got even if they had been readers of the regular histories. Again, *Woodstock*, *Peveril of the Peak*, and *Old Mortality*, must have helped to open up a century which, while Lord Macaulay's History, more interesting than any novel, was as yet unwritten, was to the mass of ordinary readers almost unknown. It may be quite true that the only history that can be safely studied in Shakespeare's plays is the history of the Elizabethan times, and that, diligent student though Scott may have been of antiquity, he has nevertheless cast over it an air of romance in which the truth by no means stands forth as sharply and as clearly as it ought. Nevertheless a man who knows his Shakespeare and his Scott has on the one hand gained a real insight into history, and has on the other hand, in all likelihood, become eager to know more of times which the play-writer and the romance-writer have brought so near to him. So long, indeed, as a writer of stories really understands that form of human nature which he is trying to delineate, we do not know that it is of much importance whether the characters whom he brings on his stage ever played their part in the world's history, or are the coinage of his brain. A character which from its contradictions is altogether impossible is almost equally offensive whether it be called historical or is acknowledged to be fictitious. A character like the Cromwell in Mr. Will's play of *Charles I.* would equally excite our laughter if the scene had been laid in some Arabian Court where the author had pretended to represent some leader of those Puritans of the East, the sect of the Wahabees. And yet when we consider how carefully most people are spoilt for the enjoyment of history by the dull and worthless books that are forced on them in their childhood, it is perhaps a happy thing when a writer who really knows something of his subject manages, under the disguise of a storyteller, to afford not a little historical knowledge. Just as there are many people who always associate sleepiness with sermons, so are there others who always associate dullness with histories. It may perhaps be almost a hopeless task to cure people of this feeling as regards sermons, but there is a chance that the great novelists may do something for history.

At all events there is one service which can be rendered by competent writers at the present day. While our Empire is so vast, and the nations that we have to deal with are so many, our sympathies, necessarily imperfect as they must be, with the various races that are subject to us, may be quickened, while our knowledge may be no less widened, by the skillful and judicious story-writer. It would be difficult to estimate the services that the novelist has rendered in making different classes of Englishmen understand each other. No doubt, with all the good done, a great deal of harm has been also done by writers who wrote in all the prejudice of ignorance. Nevertheless, very much of the kindly feeling which, in spite of strikes and lock-outs, exists between all classes in this country, must in justice be assigned to those authors who, before they began writing, first studied the classes about which they wrote. We are always glad to see the novelist's art not confined to this country, but taking a wider range. Especially are we glad to see this when it is what we call an inferior as well as a subject race that we find carefully described. The storyteller can set before us a life which neither the historian, nor the writer of Government Reports, nor the newspaper Correspondent, ever represents; and by following the fortunes and painting the hopes and fears, the joys and troubles, the everyday life of one family, he can give us a considerable insight into a whole nation. Who can tell what Defoe did towards giving the civilized world a kinder and a juster appreciation of savages by his *Robinson Crusoe*? He disguises nothing of the hideous side of their character, he sets forth their cannibalism in all its hatefulness. But by his exquisite picture of Friday's love and faithfulness—cannibal though he too had been—he made men feel that there was many a Friday to be found, if only there were Robinson Crusoes to find him. We cannot but be glad, therefore, that a man who has Colonel Meadows Taylor's knowledge of India should have written a story of Indian life which, while by its interest it will attract the general reader, will at the same time go far to correct in him the vulgar notions which he has most likely formed of the races that we rule in that vast country. What Dr. Hunter's admirable works will do for the student, such a story as *Seeta* will to some extent do for those who are willing to read, but scarcely willing to think. We would especially commend it to the attention of those young men who, while pretending to help

their country in ruling India, are by their insolence, which arises from foolish prejudices, rendering the task of government tenfold as hard as it need be. No man can be a greater enemy to his country than he who in India treats a native with insolence merely because he is a native. Men who, like Colonel Taylor, have for years taken part in governing India, are but rarely, if ever, heard, even among Englishmen, to speak harshly of those whom they have governed. But young officers, silly women, and commercial men, young and old, too often treat their fellow-subjects of the Queen in such a way as to go far to excuse, if not to justify, a mutiny. Among those too who never go to India, though the prejudice against the natives is not nearly so strong, it nevertheless exists alongside with that ignorance whence it springs. How many there are who only know of the treacherous side of the Indian Mutiny, and altogether forget the faithfulness, not only of men here and there, but of whole tribes and whole nations. How many there are who look upon the Hindoos as universally plunged in the grossest idolatry, and are utterly unaware that in their case too might be written a *Tale of a Tub*; and that, though they have a Peter whose coat is overgrown with ornaments, the coat itself is sound and simple enough, while they have also had their Martin and their Jack. In an ordinary lecture-room, or before a congregation listening to a missionary sermon in a church, nothing, we would venture to say, would be too wild to assert of the natives of India. Every person present in all probability believes that the natives are all Hindoos, and every person present in all probability believes that all Hindoos are alike. He has in his mind some indefinite notion of a man who combines outside submissiveness and gentleness with inside cruelty and treachery. He is utterly unaware that India is inhabited by races far more distinct than French and German, and with his want of imagination he cannot bring home to himself that among each race are to be found men of all characters. He would stare to be told that some of the greatest races that we govern in the East are our own kinsfolk, and that the Hindoo, whom he perhaps calls a "nigger," can claim a blood relationship with us which the Hungarian noble does not possess.

Such facts as these it is that Colonel Taylor in the course of his narrative brings home to his readers. Though his story is laid at the time of the Indian Mutiny, he yet, we are glad to say, has "purposely avoided the sickening details of pitiless massacre and suffering." He has done wisely in leaving to the historian to tell that horrible story which must indeed be told, and has himself kept to a scene where the tide of mutiny did indeed break, but broke with far lessened force. In his younger days, when he wrote his *Confessions of a Thug*, we doubt whether he would have been so moderate. The more real suffering a man has seen the less he cares to talk or write about it; and while a young writer delights in imagining horrors which he has never known, an old writer, so far from calling on his imagination, is unwilling to call even on his memory for representations of what is to him full of pain. Colonel Taylor's old admirers, however, need not fear that his story is of too gentle an order. It opens with a murder, "a case of Dacoity tried by me," as he says, "in my district court in 1855." Seeta, the young widow of the murdered man, a wealthy Hindoo goldsmith, is the heroine of the tale. It is in the following manner that she is described at the time she appeared to the Hon. Cyril Brandon, the hero:—

The large dewy eyes were soft and pleading, but not irresolute, and the girl was quite calm. Seeta had dressed herself in a rich silk sarree of a green colour, shot with crimson, had heavy borders and ends of gold thread, and the end, which she had passed over her head, fell on her right arm and contrasted vividly with its fair colour and rounded outline. If her features were not exactly regular, they were very sweet and full of expression; her eyes were large and soft, of that clear dark brown which, like a dog's, is always so loving and true. If the mouth were a shade too full for exact symmetry, it was mobile and expressive, and the curves of the upper lip constantly varied. For a native woman, Cyril Brandon had never seen any one so fair or of so tender a tone of colour. Such, he remembered, were many of the lovely women of Titian's pictures—a rich golden olive, with a bright carnation tint rising under the skin—and Seeta's was like them. One in particular came to his memory like a flash—the wife of the Duc d'Avalos, in the Louvre picture; or Titian's Daughter, carrying fruits and flowers, at Berlin. He could not see much of Seeta's figure; but the small, graceful head, the rounded arm, the tiny foot, the graceful movement of the neck, and her springy lithe step as she had entered the tent, assured him that it could not be less beautiful than the face.

He falls in love with her and marries her, to the great disgust of most of the English ladies of the station, and to the regret of his best friends. Those, however, who, regardless of race, could discover in Seeta the noble qualities with which she was gifted, came more and more to see that Brandon had chosen well, while all doubt passed away when she thrust herself between her husband and the arm of a fanatic and received the fatal stroke of a dagger that was meant for him. At the same time we must confess that we wish that the assassin's stroke had not served the double purpose of showing the faithfulness unto death of a Hindoo woman and also of clearing her out of the way for a second and an English wife for the hero. Interesting as is Seeta, scarcely less interesting are that "grand old man," her father, and her good old Aunt Ella. In fact, with the exception of the parts where the fanatic is brought in—which are somewhat overdone—the whole account of the natives will be found full of interest by the general reader. The least satisfactory part of the story is the description given of some coarse Englishwomen, whose vulgarity is dwelt upon till it becomes wearisome. The author has made a mistake, too, in introducing in the last chapter a new

* *Seeta*. By Meadows Taylor, C.S.I., M.R.I.A., M.R.A.S., &c., Author of "Confessions of a Thug," "Tara," "Ralph Darnell," &c. 3 vols. London: King & Co. 1872.

character, simply with the view of killing him off. Any one who is to die in the third volume should enter at latest in the second. If it was necessary for the dignity of the story that the Hon. Cyril Brandon should become Lord Hylton, surely his elder brother might have been killed off in a paragraph. However, we must not end by dwelling on the defects of a work which has great merits as a story, and which will, we trust, in the author's words, lead many who read it "to follow Cyril Brandon's example in professing a faith in the people they govern, which leads to kindness and courtesy of speech and of manner."

GERMAN LITERATURE.

THE name of Herr von Mühler*, late Minister of Worship in Prussia, has long been notorious for illiberality of every kind. Such a character, at all events, implies the merit of consistency—a quality always respectable, and not the less likely to be regarded when it is not the consistency of an isolated enthusiast, but of a Minister, or even an ex-Minister, with a considerable section of public opinion at his back. We are glad, therefore, that Herr von Mühler should have availed himself of his present exemption from official cares to expound in his clear and methodical style his ideas respecting secular and ecclesiastical polity, thus enabling us to judge for ourselves touching the evil report which has gone forth concerning him. We find the antagonism of Liberals most fully justified; but, in spite of the occasional unctiousness of his phraseology, we find at the same time Herr von Mühler less of a pietist than we had anticipated, but more of a lawyer—formal, exact, and pedantic. Going back to the origin of things, he bases his whole system on a maxim more consonant to law than to equity, that the creature has no claim upon the Creator. From this edifying principle, which we should have supposed to be confined to Mr. Palgrave's Wahabees, the rest follows naturally enough. The sole admitted fountain of right being the unrestrained will of arbitrary and irresistible power, the only pure and perfect system of administration is the theocratic. But, theocracy being for the present in abeyance, we are fain to make a shift with absolutism, so guided and prompted, however, by a divine code drawn up with the minutest precision, as scarcely to be distinguishable from theocracy itself. The observance of this body of regulations discriminates absolutism from despotism. Legitimacy and divine right are things of course. Constitutional monarchy (Herr von Mühler himself having sworn allegiance to it) is acknowledged as an authorised form of government; but the degree of Herr von Mühler's attachment to it may be estimated from the vehemence of his objections against administering the constitutional oath to the army, and from his repudiation of Ministerial responsibility, except to the ruler. He admits that the sovereign himself may commit wrong, but he is silent as to the remedy. As for persons who reject the author's views, they are simply nuisances. If their opposition extends to the length of rejecting his religion, they may be tolerated in the State, but can have no share in the administration of it, nor can they enter into intimate relations with their fellow-citizens. The marriage of a Christian with a non-Christian, for example, cannot be permitted on any account. In fact, the author seems to have not the smallest perception of natural right, or of the binding force of obligation other than as created by the enactment of external authority. A clear-headed, narrow-souled literalist, consistent, logical, and by no means contemptible as a writer, he is exactly the man to render the world the undesigned service of forcing into prominence the irreconcilable contrariety between the mere prescriptions of tradition and the entire genius of modern civilization.

A preface to the last edition of Strauss's recent work† has also been issued as an independent publication. If we may credit recent reports from Germany, "The Old Faith and the New," though extensively read, has encountered disparagement from society, and contradiction from the press. The author's candour has stood in its way; conservatives in politics dislike his religion, and sympathizers with his advanced theology, who would otherwise have made a hero of him, are offended by his political conservatism. The apparent consequence is, that while Herr Strauss may pride himself upon a wide circulation, he has hardly obtained a single individual suffrage on which his good sense will allow him to place any considerable value. The matter will not be mended when the professional theologians take him up, and point out the sweeping character of many of his assertions, and his habit of assuming as proved what is in fact still the subject of investigation. With all this, a sufficient balance will remain to his credit to have justified a more dignified consciousness of the fact, and we might have expected less wincing of mortified irritation under the attacks of assailants of inferior note. The assaults which he appears chiefly anxious to repel are not those proceeding from the side of dogmatic orthodoxy, but from that of philosophical rescience, of which Du Bois-Reymond's recent scientific deliverance has supplied the text. The style is distinguished by the writer's usual purity and felicity; his candour and conviction are unmistakably apparent; and the brochure

might rank as a successful *apologia* but for its too visible self-consciousness.

Keim's *Jesus of Nazara** is probably an object of disdain to Herr Strauss, yet he might learn from it the inestimable worth of the power to reproduce details in a concrete form. Strauss, in his preface, refers to the objections urged against the paleness and feebleness of his biographical portraiture, and excuses himself by the imperfection of his materials. It does not seem to occur to him that the fault may be in himself, that the analytic and the constructive faculties do not necessarily coexist in the same person, that it is possible to be much of an historical critic and too little of an historian. Dr. Keim is not, like Strauss, a man of genius. Yet, while conceding most of the demands of criticism, he has produced a really vital delineation of his subject. This remark is even more applicable to the present abridgment of his work than to the book in its original form, the sense of reality being favoured by condensation, and the spirit of the professional theologian, from whatever cause, being less apparent.

Dr. W. Gass's "Symbolik" of the Greek Church† is a valuable book, to be recommended both on account of the copiousness and the judicious distribution of its material. It takes the leading articles of the Oriental creed seriatim, dwelling more particularly on those which have formed the subjects of important ecclesiastical controversies. Perhaps the most generally interesting portion of the work is the full exposition of the views put forth by leading Greek controversialists, such as Photius, Metrophanes, and Petrus Mogilas, who are but little known in the West. The general tendency of the work is favourable to the Greek Church as representing the principle of nationality in religious organization, and it has evident affinities with the course of thought which has given birth to the Old Catholic movement.

The late Carl Twisten‡, distinguished as a public man of remarkable spirit and independence, left behind him a work of considerable extent upon the religious, political, and social ideas of antique civilization. Intended to have also comprised the Hellenic world, the book did not advance beyond a summary of the leading principles which determined the organization of India, Egypt, and the Persian and Assyrian peoples. The introduction shows the author to have written in the spirit of the Positive philosophy, but the substantial accuracy of the facts he adduces seems indisputable, and no school of thought is likely seriously to impugn the general accuracy of his conclusions. The work, in a word, though less strikingly original than was intended by the writer, or is supposed by the editor, is commendable as a general view of an extensive and interesting field of inquiry.

Although the names of Grotefend and Lassen are recorded in the list of the scholars by whom the decipherment of the Persian cuneiform inscriptions has been promoted, the Assyrian department of the subject, which is by far the most interesting, is as yet little indebted to the scholars of Germany. This neglect, unaccountable on the part of a nation usually so forward in every department of philological research, seems at last about to yield to a spirit of inquiry. Dr. Eberhard Schrader's volume, the "Cuneiform Inscriptions and the Old Testament"§, is a most intelligent and acceptable exposition of the mutual relation of these venerable documents, taking up one by one all the passages in the latter which have been in any way illustrated by the former, and giving, not merely a version of the inscription, but its *ipsissima verba* according to the best system of transliteration. All these inscriptions have been already published; but the collection of them with especial reference to the Scriptures is the especial merit of Dr. Schrader, and while his translations substantially agree with those of his predecessors, he proves himself no servile copyist. The general result of his investigations is highly favourable to the substantial historical accuracy of the Old Testament, the miraculous element apart. Biblical chronology, indeed, is found to some extent irreconcilable with the monuments, Ahab being placed about forty years too early; the difference, however, continually diminishes until the two lines of dates finally converge. On the other hand, the much impugned accuracy of the Chronicles as regards the captivity of Manasseh derives considerable support from the inscriptions, though the question is not yet beyond controversy. One of Dr. Schrader's most interesting chapters is that on the expedition of Sennacherib against Hezekiah, where he argues with great force against the hypothesis of two invasions. Another relates to the famous inscription of Nebuchadnezzar upon the occasion of the restoration and completion of an ancient unfinished tower—the Birs Nimrud no doubt, in which Oppert imagined himself to have discovered an allusion to the story of Babel. The words, however, which this eminent scholar interpreted of the universal deluge merely refer to the dilapidation of the bricks of the edifice by exposure to the weather. An appendix contains a very useful list of the Ninevite archives, which would have been more useful still if the accessions of the contemporary sovereigns had been registered in a parallel column, and a glossary of Assyrian words in Roman and Hebrew characters.

* *Geschichte Jesu nach den Ergebnissen heutiger Wissenschaft*. Uebersichtlich erzählt von Dr. Theodor Keim. Dritte Bearbeitung. Zürich: Orell, Füssli, & Co. London: Williams & Norgate.

† *Symbolik der griechischen Kirche*. Von Dr. W. Gass. Berlin: Reimer. London: Asher & Co.

‡ *Die religiösen, politischen und sozialen Ideen der asiatischen Kulturvölker und der Aegypten in ihrer historischen Entwicklung*. Von Carl Twisten. Herausgegeben von Prof. M. Lazarus. 2 Bde. Berlin: Dümmler. London: Williams & Norgate.

§ *Die Keilschriften und das Alte Testament*. Von Eberhard Schrader. Giessen: Ricker. London: Asher & Co.

* *Grundlinien einer Philosophie der Staats- und Rechtslehre nach evangelischen Prinzipien*. Von H. von Mühler. Berlin: Wiegandt & Grieben. London: Williams & Norgate.

† *Ein Nachwort als Vorwort zu den neuen Auflagen meiner Schrift: Der alte und der neue Glaube*. Von D. F. Strauss. Bonn: E. Strauss. London: Asher & Co.

Dr. Otto Gilbert's investigation into the period of the Athenian festival of Dionysus* is very abstruse; but his theory fortunately admits of being summed up with brevity. It is "that the Lenæa and Anthesteria are identical, and belong to the rural Dionysia."

H. Heydemann's† description of the antique vases in the National Museum of Naples must be a work of extreme value to archeologists. More than four thousand objects are described with all desirable fulness, yet in a highly condensed style. The value of the work is much enhanced by an excellent index.

H. Schiller's "History of the Roman Empire under Nero"‡ is a heavy book in every sense of the word; but it is also one eminently distinguished by diligence, knowledge, and good sense. The author finds little reason to depart from the traditional estimate of Nero's character, only that he justly lays more stress upon his congenial weakness than upon his possibly fortuitous depravity. He finds the Empire to have been in the main well administered under him, and rationally accounts for the phenomenon by supposing the Emperor to have in general abstained from meddling with the government. The most interesting part of the book is the copious and discriminating survey of the general condition of the Roman world under Nero—political, social, and intellectual.

The purpose of Dr. Rauch's work on the unity of the human race|| is to assert this theory, and to extenuate the numerous physiological objections which seem opposed to it. Little value can be attached to the book, which, though skilfully arranged to simulate a result attained by independent research, is in reality little else than a compilation from such observations of travellers and naturalists as appear favourable to the writer's views. His decided antagonism to Darwin at first seems singular when it is considered that the unity of the human race is more defensible on the Darwinian hypothesis than on any other, if it be not a necessary consequence of it. The fact is, however, that Dr. Rauch is entirely actuated by theological considerations. He is also, we are sorry to add, unfair enough to produce isolated passages from authors opposed to him when these seem to make for his views, without giving any hint of the general tenor of their opinions.

Paranáguá¶, a large bay in the south of Brazil, according to the native geographers, is "picturesque, enchanting, sinuous, adorned with islands, encircled with verdant mountains, abounding in precious woods, full of game of all descriptions, and the resort of foreigners attracted by the mildness and hospitality of the inhabitants." Herr Julius Platzmann's record of his long residence in this fascinating spot, couched in the form of letters to his friends at home, may be defined as a series of variations upon this alluring description, with a large infusion of the element of natural history. In fact, for a traveller of modest pretensions, simple tastes, and active habits, Paranáguá would appear to be one of the most delightful residences in the world. Beauty crowds upon beauty in the author's pages, and the effect of such accumulated opulence is bewilderment, almost intoxication, such as must usually attend the attempt to render the gorgeous luxuriance of tropical nature. It is a relief when this oppressive splendour is chequered by scientific details concerning rare plants and animals, or notes of sport, although these are frequently romantic enough, as when the writer describes an expedition to shoot tapirs in myrtle groves by moonlight, close upon "the beached verge" of the measureless Atlantic. On the whole, the general impression is that Herr Platzmann has had a rare piece of good fortune, which he has most thoroughly deserved. His energy and cheerfulness, his love of science and keen sense of natural beauty, produce the most favourable impression. He appears to have found the natives kind, helpful, and hospitable people, and if the recently exported Warwickshire agriculturists fare as well as he has done, they will not do amiss. Dinner, he says, usually consists of black beans (*feijões*) stewed along with sun-dried beef, bacon, the crown of the palmetto (with the look of a Jerusalem artichoke and the flavour of asparagus), roots, and slices of gourd. Oranges are never wanting, and wild fowl, fish, and oysters are frequent additions to the meal. The climate would seem to be by no means insalubrious.

Julius Rodenberg's little volume of English travel** is a collection of miscellaneous papers published at various periods, all characterized by a lively style and a cheerful spirit. Some of them, such as those on the Canterbury pilgrimages and London in Shakespeare's time, are of a partly historical character; others, such as the pleasant sketch of an autumn trip to the Lakes, describe the writer's own impressions as a tourist in this country.

It was a happy idea of Herr Moritz Thausing's†† to render the letters and diaries of Albert Dürer into modern German. The simplicity of the original being rather innate in the writer than depending on mere peculiarities of diction, and the translation having moreover been performed with excellent taste, the result

* *Die Festzeit des attischen Dionysien.* Von Otto Gilbert. Göttingen: Vandenhoeck & Ruprecht. London: Williams & Norgate.

† *Die Vasensammlungen des Museo Nazionale zu Neapel.* Beschrieben von H. Heydemann. Berlin: Reimer. London: Asher & Co.

‡ *Geschichte des Römischen Kaiserreichs unter der Regierung des Nero.* Von Hermann Schiller. Berlin: Weidmann. London: Asher & Co.

§ *Die Einheit des Menschengeschlechtes.* Von P. M. Rauch. Augsburg: Butsch. London: Asher & Co.

¶ *Aus der Bai von Paranáguá.* Von Julius Platzmann. Leipzig: Teubner. London: Trübner.

** *Studienreisen in England. Bilder aus Vergangenheit und Gegenwart.* Von Julius Rodenberg. Leipzig: Brockhaus. London: Williams & Norgate.

†† *Dürer's Briefe, Tagebücher, und Reime, etc.* Uebersetzt von Moritz Thausing. Wien: Braumüller. London: Williams & Norgate.

is a perfect reproduction of one of the most characteristic examples of a period of transition from comparative barbarism to high culture—the dewy freshness of a clear dawn. As painted by himself with transparent sincerity, Dürer is one of the most attractive figures in the history of art; his purity and earnestness of character shine through all he writes, from the homely details of his incomings and outgoings to the impassioned strain of his agitated forebodings respecting the fate of Luther. The volume is beautifully printed, and the editor's annotations are pithy and pertinent.

H. Kruse's tragedy, *Maurice of Saxony**, is a highly respectable performance, but does not attain the level of the poetic drama. *Conrad I.*, a tragedy by F. Walther‡, is little more than a creditable dramatic exercise.

* *Moritz von Sachsen. Trauerspiel.* Von H. Kruse. Leipzig: Hirzel. London: Williams & Norgate.

† *Konrad I. Ein Trauerspiel.* Von F. Walther. Halle: Lippert. London: Williams & Norgate.

NOTICE.

We beg leave to state that we decline to return rejected communications; and to this rule we can make no exception.

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Professor RAMSAY, LL.D., F.R.S., will commence a COURSE OF THIRTY-SIX LECTURES ON GEOLOGY, on Monday next, February 17, at Two o'clock; to be continued on each succeeding Tuesday, Wednesday, Thursday, and Monday, at the same hour. Fee for the course, 4s.

Professor GOODEVE, M.A., will also commence a COURSE OF THIRTY-SIX LECTURES ON APPLIED MECHANICS, on Tuesday next, the 18th instant, at Eleven o'clock; to be continued on each succeeding Wednesday, Thursday, Friday, and Tuesday, at the same hour. Fee for the course, 4s.

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